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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 20, 2004.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord of history and giver of all good and lasting gifts, America's Thanksgiving prayer seems to expand each year. Perhaps because human life seems all the more fragile in a globalized world where there is so much war and violence. Perhaps because we treasure freedom all the more as we learn about so many people in the world who have never experienced what true freedom means. Perhaps because we have come to see that so many blessings are not costly but freely given by You to all and that the most valuable blessings are not material but wrapped in spiritual meaning and not individually possessed but mutually shared with others.

No matter how we as persons calculate, measure, or recognize our blessings, Lord, may each of us here in America grow in gratitude this Thanksgiving Day because grateful people are usually more gracious; and as Americans, we not only see ourselves blessed, we also wish to be a blessing to the rest of the world.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WILSON of South Carolina 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive up to five 1-minute speeches from each side.

GRATITUDE FOR U.S. MILITARY IN IRAQ

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

Mr. WILSON of South Carolina. Mr. Speaker, yesterday the Washington Post reported the U.S. military has discovered in southern Fallujah the main head quarters of an al Qaeda organization of Abu Musab Zarqawi, who claims responsibility for bombings, kidnappings, and beheadings across Iraq.

As a grateful parent of three sons in the U.S. military, including an Army National Guard member in Iraq, as a proud veteran of 31 years of service in the Army National Guard and as a Member of Congress, I have never been more proud of America's heroes fighting in the frontlines of the War on Terrorism in Iraq. Despite defeatists who slander every success, America's military will succeed to protect America's women and children from barbarian murderers.

It is more clear than ever President Bush is correct: ''We will not waver, we will not tire, we will not falter, and we will not fail. Peace and freedom will prevail.''

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

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 846 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 846

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on or before the legislative day of November 20, 2004, providing for consideration or disposition of any of the following measures:

(1) A bill or joint resolution making continuing appropriations for the fiscal year 2005, an amendment thereto, or a conference report thereon.

(2) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 2005, an amendment thereto, or a conference report thereon.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman

from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution we are considering today would provide for the same-day consideration of certain resolutions reported from the Committee on Rules. It waives clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules, against certain resolutions reported from the Committee on Rules.

The rule applies to the waiver to any resolution reported on or before the legislative day of November 20, 2004, providing for consideration or disposition of any of the following measures:

First, a bill or joint resolution making continuing appropriations for the fiscal year 2005, an amendment thereto or a conference report thereon; or, second, a bill or joint resolution making general appropriations for fiscal year ending September 30, 2005, and an amendment thereto or a conference report thereon.

Mr. Speaker, it is clear what we are trying to do. We are trying to make sure that as a result of the action that we took on or about October 8 as it related to the funding of the government that we would make sure we would responsibly work on behalf of the American people to make sure that all spending bills would be necessarily approved and done properly by this House. But we wanted to make sure that the government was funded from that day forward.

Today, as we end what we believe will be the last day for the House of Representatives for the 108th Congress, it allows us a chance to make sure that we are prepared to do just that. As we speak, up in the Committee on Rules right now here in the Capitol, the Committee on Rules is meeting to approve the omnibus appropriations bill. This bill will make sure that we can bring this very important bill to the floor and then we can get on with our work today and hopefully adjourn tonight.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time.

It is the 11th hour and the deals have been struck. Most, if not all, of us want to go home. Certainly the majority does. So we find ourselves again being asked to override regular House rules and vote on legislation which I defy anybody to tell me that 99 percent of us have read. I am talking about 99 percent of the Members of the House of Representatives have not read this legislation.

There is no reason why we cannot consider the omnibus appropriations bill tomorrow or Monday or Tuesday. There is no reason why all of us in the body and, most importantly, the American people should not have at least 24 hours to try to read how we are spending their money before we spend it.

I realize, Mr. Speaker, that most of the Members will support this measure. But I am opposed to the process by which it has come together floor today. And in just a few short hours, Members of this body will be asked to approve a bill that spends nearly $400 billion of Americans' hard-earned tax dollars without being afforded the opportunity to actually read the bill. That is just not right.

The bottom line is, Mr. Speaker, one party controls Washington, D.C.'s political circumstances. One party controls the House, the Senate, and the White House. One party has controlled Congress' legislative agenda and one party has controlled this year's appropriations process. I ask the American people what have they done for them this year? In a word, if I were answering, it would be not much.

Despite escalating gas prices and continued reliance on fuel needs from the volatile Middle East, has Congress enacted a comprehensive energy bill? No. Bridges and tunnels and highways around America are literally crumbling away due to years and years of neglect. And despite the fact that hundreds of thousands of jobs are on the line, has Congress passed a transportation bill? No. Welfare reform? Still on the starting blocks. Patient's bill of rights? In intensive care. Fully funding education programs like No Child Left Behind? Still waiting at the schoolhouse door. Getting our first responders the tools and equipment they need to protect the homeland? Do not hold your breath.

As far as I can tell, the only thing that the ruling party can do successfully is explode the national debt and burden our children and grandchildren to fix the mistakes we make on a daily basis around here in the House of Representatives. Enough already.

So we will go home today or tomorrow after having worked fewer days in this session of Congress than in any previous Congress in nearly the last 60 years. These really are the best words that I can use to describe this situation. The rule is a disservice to the Members of this body. More importantly, it is an affront to the people whom we represent. This process smells and the odor wafts from sea to shining sea.

I understand the circumstances at the end of the session deadline of which the majority speaks, but I ask why the rush? Why run this House in such a disorderly way? The precedent that we continue to set with this kind of action will haunt us and our successors for many generations. It is up to the majority to step up to the plate and attempt to restore integrity to the process this body practices.

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

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume. I appreciate the gentleman's speaking about the way in which the House is operating today. I am proud of what we are doing. And in just a few hours we are going to hear the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, come and say that this package before us represents a freeze or a 0 percent growth in nondefense discretionary spending. That is hard work. That is hard work, Mr. Speaker, but in the very beginning of this year the gentleman from Iowa (Mr. NUSSLE), chairman of the Budget Committee, as a result of enlisting the Members of Congress, decided that we were going to have a budget that did the right thing for 2005. And that is exactly what this Republican-led Congress has done.

The gentleman from Florida (Mr. YOUNG) worked very diligently to make sure that the budget that this conference put forth and this House put forth is something that will be passed. We intend to make sure that we are not going to have any wild spending sprees like we have done in the past. It is going to be responsible. I am proud of what we have done. The gentleman from Illinois (Mr. HASTERT), our great Speaker, and the gentleman from Texas (Mr. DELAY), the majority leader, have made sure that the things that are in this bill deal with the essence of what is good for America. I am very proud of what we are doing.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. HOYER), minority whip.

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

□ 0915

Mr. Speaker, I believe it appropriate for me to rise in light of the gentleman from Texas's remarks. First of all, I note that the chairman of the Committee on Appropriations is on the floor. The gentleman from Florida (Mr. YOUNG) is one of the most respected Members in this body. He is a gentleman who has led our committee with fairness and great ability. Mr. Dyer is also on the floor, our chief clerk of the Committee on Appropriations. The Committee on Appropriations continues to be, in my opinion, one of the committees that really strives to work in a bipartisan fashion to meet the responsibilities that it has and the responsibilities that this Congress has to the American people.

The budget to which the gentleman from Texas (Mr. SESSIONS) spoke has resulted in a dysfunctional appropriations process over the last 4 years really. I have served on the Committee on Appropriations for 23 years, so I have some experience of the workings of that committee. In the early years that I served, it was also difficult to pass appropriation bills. Then we got

into the 1994 election, the majority changed and, in 1995, of course, we shut down the government on November 22, 1995. The government essentially remained shut down and with sporadic periods of being open between then and early in January of the following year.

Since that time, particularly since the election of President Bush in 2000, in 2001, 2002, 2003 and 2004, this year, we have clearly had a dysfunctional budget and appropriations process, about which my friend from Texas seems to be so proud. In fact, this is the third year in a row where we have passed an omnibus appropriations bill including most of the appropriations. We have ignored the regular order. We have ignored the process of adopting appropriation bills one by one. We have ignored the process of having our appropriation bills open to full disclosure and consideration, not only by the House of Representatives, but by the American people. We have prevented the American people from having the opportunity to make their views known on these appropriation bills. Why? Because we have passed them in the dead of night, as we did last night, come out with a very quick Committee on Rules report, a martial law rule, and an inability to expose those to the light of day.

Now, most of those appropriations bills, the nine bills that will be incorporated into this omnibus have, in fact, been subjected to hearings, discussion on this floor, discussion on the Senate floor, and most, I do not know what percentage, but I would guess well over 90 percent, perhaps even as close to 97 or 98 percent of the bills have, in fact, been subjected to the regular order and the legislative process as it should run.

But the fear of the American people is that in the dead of night, in the cloudiness of quick consideration, that many things are included in these bills which perhaps both Houses would not have put in there, as has happened too frequently during the course of this Congress, or that neither House really knows is in there.

So when my distinguished friend, the gentleman from Florida (Mr. HASTINGS) refers to this as being a process that is contrary to regular order, he is absolutely right. It is not something of which we ought to be proud. To that extent, I disagree with my good friend, the gentleman from Texas. It is, in fact, something that we ought to commit ourselves to not repeating. The gentleman from Illinois (Mr. LAHOOD), my good friend, is on the floor, and was the chief of staff of one of the most distinguished leaders with whom I have had the privilege of serving, Bob Michel, himself a member of the Committee on Appropriations. I used to remember Leader Michel during the times when he was the Minority Leader of this House saying that this process was wrong when we pursued it, when we got into a deadlock and could not get bills passed.

So it is not that it is solely the actions of one party. It is, however, to say that we ought not to pretend that when we are doing it, that it is good, and that when the other guy is doing it, it is bad. It is not a good process. We did not in the year of last year pass eight of our appropriations bills until the calendar year following the beginning of the fiscal year. It was January. The previous year, it was February before we adopted most of the appropriations bills. I regret that we do not consider the appropriations bills one by one. There has not been a conference on the Labor-Health bill, a bill which will have approximately $150 billion in discretionary funding in this bill. It has not been conferenced. I have been a member of that committee for 23 years. I did not participate in a conference on that bill.

Now, because of the way our committee operates, the gentleman from Florida (Mr. YOUNG), the gentleman from Ohio (Mr. REGULA) and others have kept me apprised, and I am not surprised at that. As I said, they are good and decent and fair leaders of the Committee on Appropriations. We ought not to delude ourselves because of their fairness and because of the fact that they have kept me informed and kept the gentleman from Wisconsin (Mr. OBEY) informed and others informed. But the American people who have been precluded from seeing that bill conferenced have not been informed as our democracy contemplates, so I do not share the gentleman's pride in this process.

Mr. Speaker, because I have the time and I am on my feet, I also want to make a comment. I may make this comment again when he is here. In my view, the House of Representatives has sustained an extraordinary loss in the last election. I do not speak in terms of the fact that another candidate won the election. I, in no way, denigrate that candidate. But I do rise to lament the loss of a giant of this House, a Member of this House who, in my opinion, is arguably the best legislator in this House, a Member of this House whom I have grown to have the highest respect for, for his intellect, for his integrity, for his focus on fiscal responsibility. No one, no one in this House or in the United States Senate has any more faithfully focused on fiscal responsibility than my friend, the gentleman from Texas (CHARLES STENHOLM). It is a great loss to the House that he will not be serving with us next year.

As we consider this appropriation bill, and as the gentleman from Texas remarks with respect to constraining funding, I will tell my friend that we have constrained funding less over the last 4 years perhaps than at any time since I have been here, less than we did during the Clinton years. Domestic discretionary spending has risen higher over the last 4 years, as perhaps the gentleman knows, discretionary spending has risen higher. Now, there have been some reasons for that. Certainly, 9/11, terrorism, the war in Iraq. As the gentleman from Texas knows, I have supported that funding. We cannot, we must not send our best abroad to fight terrorism without supporting them fully. I have done that, and I intend to do that. But having said that, I do not intend to pretend that that money is for free, that somebody is not going to pay that bill.

Earlier this week, the Republicans increased the debt of this Nation by $800 billion, meaning that over the last 42 months we have increased the national debt by 25 percent, $2 trillion. I personally do not believe that that is something of which to be proud, $2 trillion in additional debt. I have three grandchildren. One is a little older, one is little younger, and one is very young. And all of them are going to pay that bill. Because this generation of Americans, acting through its Members in the House of Representatives, has determined that it will not pay its bills. I think that is an immoral policy. It is the refusal to accept personal responsibility for the challenges confronting our generation, and we are going to allow the next generation and perhaps generations thereafter to pay that bill.

The immediate consequences, of course, were evidenced yesterday. I hope they will be ameliorated. I hope interest rates will not skyrocket. I hope the deficit will, as the gentleman from Texas hopes, will be constrained. But I will not delude myself, I tell my friend from Texas, that it is discretionary spending that has caused our problem, because those of us on the Committee on Appropriations know it is not discretionary spending. In fact, discretionary spending as a percentage of the budget is less today than it was in 1962 and 1972 and 1982. So we ought not to delude ourselves that our failure to fully fund No Child Left Behind, as the gentleman from Florida has said, is something of which to be proud. There are going to be children left behind as a result of us failing to do that.

So I rise, Mr. Speaker, to say that I will vote for this omnibus bill when it ultimately gets to the floor. I will vote against this rule, but I will vote for the omnibus bill. The gentleman from Florida (Mr. YOUNG), Jim Dyer, and each one of our chairmen and ranking members have worked hard to try to come to grips with bills that meet our responsibilities. These bills do so only in part. I thank my chairman and would say that there are areas in which we are short, not because we want to be short, but because the resources are not there to meet our commitments.

So, Mr. Speaker, I thank the gentleman from Florida for yielding me this brief time, at a time when debate is not fulsome and I had time to ruminate to some degree on what I consider the very serious fiscal challenge that confronts our country. We cannot pretend that we can have tax cuts and war and investment in education and transportation and energy and other needs of our country and simply pass the

debt along to our children and our grandchildren. Mr. Speaker, that is not right.

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

The gentleman from Maryland I believe articulated a hope and a dream that both of these parties want to stand for, and that is that we can continue to work together. He expressed great confidence not only in the gentleman from Florida (Mr. YOUNG) and Jim Dyer, who is the staff director of the Committee on Appropriations; he appropriately talked about the service to this body of the gentleman from Texas (Mr. STENHOLM), a Congressman from Texas 17. But he also talked about our hope and dream for the ability that we have to control ourselves, to bring forth spending that is worthy of the American public will.

The only thing that I would add is that we also need to have an economy that works, that is competitive with the world. We know we passed this last year, a medicare prescription drug bill that, for the first time, will allow senior citizens not to have to make a choice between food, clothing, housing, and getting the prescription drugs that were ordered by their doctor. These too are accomplishments that we have done, and it does come at a cost and a price, but it is the right thing to do.

I continue to believe in the American dream. I think that is what we are all about here today on a Saturday, working hard. And yes, the gentleman referred to us working until 2, 3, and 4 in the morning. I think that is good too. I think this body is faithful to the American public, and I believe in what we are doing.

□ 0930

Mr. HASTINGS of Florida. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 12½ minutes remaining.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida (Mr. HASTINGS) for yielding me time. He is a very able member of the Committee on Rules.

I think I follow in the tradition that those of us who are outside of the body politic of the appropriators do every year, and that is that we rise to thank the gentleman from Wisconsin (Mr. OBEY), the ranking member, and the chairman, the gentleman from Florida (Mr. YOUNG), and particularly the chairman as he finishes his tenure. I want to thank him very much for the collegial and sensitive work he does. I particularly thank him for coming to my district to support our Fishers House. We thank him so very much for the work that is being done for our veterans and for their families that are at our veterans hospitals all over the country.

But for our colleagues and the American people that wonder why we rise today, because what we do today is probably one of the more important responsibilities of this body, and it is to get out of Washington and send the dollars, your tax dollars, back to your communities, to be able to keep your hospitals open, your schools open, to be able to help our senior citizens and to create peace around the world.

The reason why I rise is because we have not completed our job, coming from Texas where there is no energy policy discernable so that we can say to the American people that you will not continue to see your fuel prices increase, and, of course, the devastation that has occurred because jet fuel prices are high.

We have not been able to infuse into the economy reasonable policy so that those individuals who work every day can have a reasonable quality of life.

And then, of course, my concern, as the distinguished gentleman from Texas (Mr. SESSIONS) talked about the Medicare bill, one of the most expensive and unworkable bills that we have ever seen. More money goes to the pharmaceuticals than money in your pocket. No guaranteed prescription drug benefit for our seniors. That is why I rise today.

And if we want to talk about peace, it is unfortunate that even today in Iraq, where I visited just a few weeks ago with our soldiers, we have soldiers in Iraq without the appropriate equipment, and we have already spent $200 billion plus there and we have no plan.

My last point, Mr. Speaker, is on the floor yesterday we did something good with respect to Sudan. The Lugar bill was passed. But yet this administration and the will of this Congress has not seen its way to fund the African Union peacekeeping troops and to force Sudan to allow those troops in. And as we speak today, mothers and children are being raped and killed and villages are being raided and it is being done by the Sudanese police officers.

So you see there is much we could be doing but yet we are forcing an omnibus bill on the floor and yet many of us have never seen it. We welcome those dollars to go home to those street repairs, to help those nonprofits, to help ex-offenders return back into the community, to build affordable housing, to work with our Boy Scouts and other non-profit organizations. So this is why we are here. This is a martial rule that forces us to move forward on the people's business without the attention to detail to wonder whether there are enough dollars in there for Pell grants for our college students to go to school, and to be able to know whether our troops that are on the front lines in Afghanistan and Iraq have the appropriate equipment.

In a few weeks we will be looking in Iraq for elections. Dollars will be needed to be expended there. Safety will be needed. We will need the appropriate number of troops. We do not even know whether or not that the dollars that we have will suffice for the troop deployment and enforcement as well as the equipment, as well as the many casualties that are coming into our hospitals here in the United States and Germany, and of course whether we have the dollars to provide for those families whose troops have lost their lives.

Mr. Speaker, let me say that we will proceed today. I do not know as we proceed that we will have the opportunity to say to the American people that we have done our very best. I would hope that we could do better in the 109th, but, more importantly, I wish we could do better for the American people today.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, in previous election years we have heard about an October surprise. We did not have an October surprise this year. We are getting a November surprise.

Now, it is not a surprise to those of us who serve in this body. It is an unpleasant surprise to the American people, particularly those people who think that as a collective society we have some responsibilities to each other, because this is an appropriations bill that fails to fund adequately those programs that are essential to improving the quality of our lives to the extent that they must be done together.

People on the other side are fond of saying it is the people's money, not the government's money. Of course it is the people's money. But civilized and sensible people understand that we have two sets of needs for our money. Some of our needs, our desires are best met by money that we have individually and as families. But in our society particularly there are essential needs for our well-being that can only be met if we pool our money.

Now, on the one level people understand that they know that homeland security cannot be advanced by a tax cut. But neither can environmental cleanup, neither can transportation, neither can our ability to extend some compassion to people in need. The majority understand that. They understand that the American people understand that. So that is why, and let us be very clear, the sole reason we are here today a couple of weeks after an election funding the government for the rest of the year is the majority's craven unwillingness to stand up before the election for what they truly believe in. They have successfully hidden from the American people the true consequences of their philosophy. And that is the November surprise.

People who believe that America ought to be vigorously cleaning up environmental messes left from earlier periods, people who think we ought to be expanding the amount of affordable housing we have, people who think we ought to be extending health care for Americans rather than seeing it continue to erode, people who think we ought to be meeting our international obligations.

I read just this past week in Congress Daily that there is a shortfall in the money we send to feed starving people overseas. That is not adequately funded. Some of the President's own priorities are not funded internationally. It is true, I gather, they did manage to give in to the administration and there is money to go to Mars, and maybe ultimately the homeless can live there. But God help them, they better be able to because they certainly are not going to be able to find housing here.

Again, let us be clear here. There is no reason whatsoever why in this lame duck session after the election we are funding all of the important domestic elements of government and some of the international ones, except the majority's understanding that the consequences of their anti-government attitude simply would not have worked well before the election. The sole purpose of this timing is to deceive the American people. Fortunately, that deception cannot continue because we are going to have elections in the future. And we are going to test this philosophy, and here is the philosophy.

It is an administration that believes that all we have to do to reach the good life is essentially to remove all restraints on capital. Do not tax it. Put the taxes on people's consumption or on the money they earn for working. Do not hobble them with environmental regulations. For goodness sake, do not allow labor unions to speak up for their people. Do not make them pay overtime very much.

Four years from now the minimum wage will be meaningless because it will not move for 4 years under their administration and inflation will accomplish what the ideologues cannot accomplish openly. It will be eroded.

But let us go back to the budget. Now, the members of the Committee on Appropriations have always gotten praise here, including the majority members. What is the general phrase? They have done the best they can in a bad situation. Given the constraints they face, they have done a good job.

Let us be very clear, those constraints, those limitations; that is, inadequacy of funding for our public purposes, which is how as a society we in part express our aspirations for decency, for quality of life, for compassion, those constraints were not natural constraints. They did not come from the heavens. They are not natural phenomena. They are the result of the conscious policy choices of the administration and the majority. A decision to go to two wars, one of which was necessary in my judgment, one of which was not, and then to do five tax cuts, has left us, and the majority acknowledges that implicitly today by bringing up two weeks after an election measures that by any sense of democratic procedure should have been voted on before the people got to cast their ballots.

So the majority implicitly acknowledges that its extremely conservative assault on government, its refusal to acknowledge that there are important moral purposes that we can only accomplish if we pool our resources and work together as a people, they implicitly acknowledge the unacceptable nature of that, and we will continue this debate over the next 2 years.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while we were here considering this rule the Committee on Rules was meeting and reported out the conference report to accompany H.R. 4818, the Consolidated Appropriations Act of 2005, and providing for consideration of H.J. Res. 114, making further continuing appropriations for fiscal year 2005, and for other purposes.

I bring it to the attention of the body that that particular rule, if this same day rule passes and then its undertaking, will allow the members of this body one hour of debate on the rule and one hour of debate on spending upwards of $388 billion, or more as it were.

Now, when we have passed the omnibus, and it will happen sometime today, the law requires that the President of the United States will have 10 days in which to review the omnibus provisions. What is amazing to me is that the House of Representatives Members are constrained by not knowing. My colleague, the gentleman from Texas (Mr. SESSIONS), and I have not seen this legislation. We have not read it. We may have participated in some part of the regular process of some of the particulars, but much of what is in this bill no member of the House of Representatives other than a handful have seen it at all. So the law requires that the President of the United States and his team of people rightly have an opportunity to review the provisions that are passed in this body and the other body, and they get ostensibly what will amount to 20 days, and many of the Members in this body will not get 20 minutes to read what it is that we are passing in spending the American taxpayers' money.

No, I am not proud of the process. There may be substantive things in the bill that will help Americans, but you and no one else can tell me that by avoiding regular order, by avoiding the way legislation ought be presented in this country. You cannot tell me that today you can call your constituents and tell them precisely what is in this bill. I know I cannot. I do not think that is right, and I do not think any Member of this House believes it is right.

Do you have the power? Of course you do. Can you continue down this path? Of course you can. You do so at your peril because ultimately the American people will come to understand that you cannot have deficit and borrowed money, run a war, it used to be called having guns and butter. I think my friends in the majority think we can have guns, butter, ice cream and cookies. It is not going to work.

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

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

It is a great way to start a Saturday morning, the opportunity to get up and debate before the American public the important parts about not only America and our process and the ability that we have by majority vote, but it is also an opportunity for us to look the American public right in the eye and to say that we have done what we said we would do, that this is a lean package. It follows exactly what we said we would do in the budget earlier this spring.

The gentleman from Florida (Mr. YOUNG) has brought forth a package as a result of what we heard was bipartisan work, informing people what was in the bill, the opportunity to make sure that not only as the gentleman from Maryland said to keep him updated but others in his party to make sure that they were aware of what was happening on an omnibus spending package that is important to this great Nation and an obligation of this Congress.

□ 0945

Yes, I am proud that we have the ability to say today we will bring this to the floor of the House of Representatives. The Committee on Rules has acted, and subsequent to us leaving today, we will have a measured and wonderful debate. I am proud of what we have done. I urge my colleagues to join me in supporting this rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 46 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1034

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OSE) at 10 o'clock and 34 minutes a.m.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the de novo vote on agreeing to the resolution, House Resolution 846.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 846 will be followed by a 5-minute vote on House Resolution 853.

The vote was taken by electronic device, and there were—yeas 234, nays 159, not voting 39, as follows:

[Roll No. 538]

YEAS—234

Aderholt
Akin
Alexander
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Matheson
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NAYS—159

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (NY)
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—39

Ackerman
Bachus
Blumenauer
Brady (PA)
Burr
Cannon
Case
Collins
Culberson
Davis, Tom
Delahunt
Deutsch
Dunn
Fattah
Feeney
Gephardt
Gillmor
Gordon
Hobson
John
Kind
Kleczka
Lipinski
McCarthy (NY)
McDermott
Meehan
Millender-McDonald
Musgrave
Norwood
Owens
Quinn
Rothman
Stark
Toomey
Towns
Upton
Waters
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1101

Mr. HOLDEN, Ms. SOLIS, Mrs. LOWEY, Mr. SCHIFF and Mr. SHERMAN changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE BOY SCOUTS OF AMERICA FOR PUBLIC SERVICES PERFORMED ACROSS THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 853.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H.R. 853, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 3, not voting 38, as follows:

[Roll No. 539]

YEAS—391

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chandler

Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Dingell
Frank (MA)
Woolsey

NOT VOTING—38

Ackerman
Bachus
Blumenauer
Brady (PA)
Burr
Cannon
Case
Collins
Davis, Tom
Delahunt
Deutsch
Dunn
Fattah
Feeney
Gephardt
Gillmor
Gordon
Hobson
John
Johnson, Sam
Kind
Kleczka
Lipinski
McCarthy (NY)
McDermott
Meehan
Millender-McDonald
Musgrave
Norwood
Owens
Quinn
Rothman
Stark
Toomey
Towns
Upton
Waters
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1111

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 114, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2005

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 108–794) on the resolution (H. Res. 866) waiving points of order against the conference report to accompany the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, and providing for consideration of the joint resolution (H.J. Res. 114) making further continuing appropriations for the fiscal year 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005 AND PROVIDING FOR CONSIDERATION OF H.J. RES. 114, MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2005, AND FOR OTHER PURPOSES

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 866 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 866

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 114) making further continuing appropriations for the fiscal year 2005, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

□ 1115

Mr. PUTNAM. Mr. Speaker, it is a beautiful Saturday morning all across America and people are waking up and taking their morning coffee, reading the paper, getting the kids off to soccer practice, and slipping into the woods to do a little hunting.

As I say, on this glorious Saturday morning, people are going about their lives and doing the things that they do, enjoying time with their family and their business, and they are undoubtedly thinking to themselves, as they find out that Congress is in session on a Saturday, that it is about time those guys did some work.

It is an important issue indeed that finds us here doing the people's business this weekend as we wrap up a very productive 108th Congress. The omnibus package that is here before us today, this rule, H. Res. 866, provides for consideration of H.R. 4818, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005.

Mr. Speaker, this rule waives all points of order against the conference report and against its consideration. Section 2 of the resolution provides for consideration of H.J. Res. 114 under a closed rule and provides for one hour of debate in the House, equally divided and controlled by the chairman and

ranking minority member of the Committee on Appropriations. All points of order against consideration of the joint resolution are waived. Finally, the rule provides for one motion to recommit H.J. Res. 114.

Mr. Speaker, this legislation represents a tremendous amount of work on the part of our appropriators, working in conjunction with the authorizing committees on a bipartisan, bicameral basis. It is important to note, Mr. Speaker, that this omnibus represents the work of nine different subcommittees on appropriations. There are nine different bills combined in there, but it is not because of the work of the House that that is the case. The House has passed all but one of those bills, and, unfortunately we find ourselves here at the end of the 108th Congress passing them en blanc as a result of issues not related to the House, as the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), and the ranking member of that committee, the gentleman from Wisconsin (Mr. OBEY), have done a tremendous job of making sure that the House appropriation train runs on time.

This legislation includes funding for the majority of our agencies and departments, along with very important infrastructure appropriations and needs. It is vital that we pass this to ensure the smooth and continued operation of the Federal Government. The final spending package fully complies with the spending targets agreed to by the Congress and the administration, totaling $821.9 billion in fiscal year 2005 discretionary spending.

Mr. Speaker, it is important to note and to reinforce the fact that this fully complies with the spending targets laid out by this Congress and represents a freeze, or zero percent growth, in nondefense discretionary spending. Total discretionary spending in this bill is $388.4 billion. All additional spending is paid for by an across-the-board cut of 0.83 percent in all nondefense and nonhomeland security spending, a $300 million recession in nonwar, nonemergency defense funds, and $283 million from limitations on expenditures from the Crime Victims Fund.

Mr. Speaker, discretionary funding in the fiscal year 2001 budget, the last budget of the last administration, was 15 percent. Fifteen percent. Mr. Speaker, for the past 4 years, we have been able to hold the line on discretionary spending. This year's freeze demonstrates this Congress' commitment to fiscal responsibility during a time when our men and women in uniform are in harm's way.

In our restraint, however, we continue to make provisions for those who rely on America's promises. The bill provides a record level of resources for veterans health, including a total of over $30 billion for the Veterans Health Administration; $19.5 billion for medical services; $4.7 billion for medical administration; $3.7 billion for medical facilities; and $385 million for medical research. In addition, the bill does not contain additional fees or surcharges for America's veterans.

The bill also provides a significant boost in the manpower and resources of the Federal Bureau of Investigation. The bill includes over $5 billion for the FBI, an increase of over $625 million above last year, and $100 million above the President's request. This funding provides enhanced training, information technology, and staff to the tune of over 1,100 new positions for the FBI to improve intelligence and counterterrorism capabilities, while continuing to fight white collar and violent crime.

The package we consider today prioritizes our Nation's needs in a fiscally responsible manner, and I urge my colleagues to support both the rule and the underlying bill.

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

Mr. FROST. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I yield myself such time as I may consume.

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

Mr. FROST. Mr. Speaker, for months now, Republicans have held hostage some of the foremost priorities of the American people. Key national level needs like education, veterans health care, and highway construction have all been put on the back burner. The hard legislative choices and spending decisions that had to be made were delayed so that Republicans could ensure their success at the polls.

Well, now that the election is over, we have returned to Washington to finally finish our budget for fiscal year 2005, and I am certain that my Republican friends will come down to the floor, pat each other on the back, and proclaim this giant $388.4 billion spending bill a great success that finishes their work for the year.

But, Mr. Speaker, this bill does not even come close to accomplishing what our constituents expect from this Congress. Republicans in this House just returned from the campaign trail where they promised to create more jobs and more economic opportunity. They promised they would do all they could to keep our homeland safe. They promised they would work hard to provide Americans with affordable health care and lower prescription drug prices, and they promised they would balance the budget.

However, their record tells a very different story.

This Congress has failed to act on job creation. There is a 1.6 million private sector job deficit in this country, yet Republicans have failed to pass a long-term highway bill that would create more than a million new jobs, and they have failed to end tax breaks for companies that ship jobs overseas.

This Congress has failed to provide adequate resources for our national security. This Congress has failed to provide resources for our national security. Not only have Republicans failed to give our police and firefighters the resources they need, they have failed to secure our borders and ports and failed to complete action on the critical recommendations of the bipartisan 9/11 Commission.

This Congress has failed to provide quality, affordable health care for Americans. Republicans have failed to hold down the price of prescription drugs, failed to reduce the number of uninsured, and failed to give Americans the right to import lower-priced prescription drugs from abroad.

This Congress has failed to keep America fiscally sound. Republicans repeatedly refuse to enact sensible measures to pay for any new spending or tax cuts enacted. Their policies and mismanagements have sent the budget deficit skyrocketing from $159 billion in fiscal year 2002 to a record $422 billion today, and just this week forced Congress to raise the debt limit by $800 billion, saddling our children with a massive debt that they cannot afford.

Our work is nowhere near done, Mr. Speaker. It is shameful Republicans are rushing to finish our final spending bills and leave town without taking these very serious and very important matters under consideration. Perhaps while Republicans are enjoying their Thanksgiving vacation they will take a moment to give thanks that they do not have to face the electorate for 2 more years. I do not think the American people would approve of this do-nothing Congress.

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

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my distinguished colleague from Florida for yielding me this time.

I stand in strong support of the rule that brings forth this Omnibus Appropriations Act for fiscal year 2005. It is really an historic piece of legislation when one thinks about the fact or realizes that it achieves a freeze, or a zero percent growth, in nondefense discretionary spending. That is an historic accomplishment, an extraordinary accomplishment, while these nine appropriation bills included in this great omnibus package fund the needs and the many great actions that day in and day out the men and women that work for the Federal Government carry out. So I strongly support the rule and the underlying legislation.

I think it is just and appropriate also, Mr. Speaker, that we take just an instant to commend and thank a great American patriot, a Floridian, who has served as chairman of the Committee on Appropriations of this House for the last 6 years, my friend, the gentleman from Florida (Mr. YOUNG).

When I arrived here as a freshman Member 12 years ago, he immediately began to teach me many extraordinary

things with that friendship that he shares with all of us here in the House. I am in awe of someone who has reached such great heights in this Congress and yet never ceased to be that friend to his colleagues, to all of his colleagues, and to his constituents. And so the great State of Florida has had a great representative for these years not only in this House but especially in these 6 years in the Committee on Appropriations.

It is with a sense of gratitude as well as admiration that I say to Chairman YOUNG, thank you for what you have done, not only in this piece of legislation, this historic piece of legislation, but in all of your years of service in this House, sir. Thank you.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to express my great regrets about the inclusion of the Weldon-authored provision that undermines the rights of a State to enforce its own laws.

If this bill passes, and I am sure it will, that means that from now on State and local governments failing to comply with the Weldon provision put at risk all of their State Medicaid funding, all their SCHIP funding, all their Head Start money, all their child care development block grant money, and all their social services block grant money. In short, anything that comes to the State or local government from the Labor-HHS bill. How is that for coming down with a pretty heavy hand?

□ 1130

Simply put, it restricts the States' autonomy and right to self-governance and undermines States' ability to enforce their own constitutional protections.

If a State chooses to enforce its own laws and require an HMO to provide abortion counseling or services, it will pay a very heavy price. None of us, I believe, are going to want to explain to the senior citizens that the nutrition programs are over, that Medicare is gone, that the Social Security check will not be there, denying the Federal funds for State and local governments that attempts to ensure that a woman has full access to reproductive health services and information. Information. Once again, the land of the free and the home of the brave is going to control the information going to its citizens.

In fact, the way the proposal is worded, even Federal programs could be stripped of their funds if they were to comply with this law. Moreover, it interferes with State and local governments' responsibility to set the parameters of their Medicaid programs, something that they are very concerned about. And I know that New York, which I represent, is very concerned about the cost of Medicaid.

Right now, if a woman is raped and receives her health care from Medicaid, States can force all HMOs that participate in Medicaid to either pay for her abortion or tell her that she is eligible to get that coverage and where she can get it. If this provision passes, the States will not be able to enforce this requirement and Medicaid HMOs can simply refuse to cover the woman's abortion and not give her any information that she can get coverage elsewhere. I am sure that is what the intent is.

It even interferes with, and possibly overrides, current Federal laws, such as the Emergency Medical Treatment and Active Labor Act, which ensures that women in life-threatening circumstances receive the medical care they need.

Suppose a woman comes into the emergency room of a hospital with an incomplete miscarriage which can threaten her life. Under present law, the hospital must stabilize her. If stabilizing requires completing the abortion, they have to do it no matter what their religious belief. But when Weldon passes, the hospital can say it is discrimination to force them to do this and so the woman can just die.

I call on my colleagues to understand what is happening here. I know when the women in America find out what is happening here, there is going to be great outrage.

Mr. PUTNAM. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I would like to tell Members a little bit about the gentleman from Florida (Mr. BILL YOUNG). BILL has been a friend of mine for over 20 years. When my wife was ill with cancer and she was in Germany and was going through treatment, he assisted me in making sure that I was able to get to her and spend time with her before she passed away, so I have undying gratitude to Bill for his kindness toward me over the years.

The last few days I talked to him about a problem in the Marianas, in Guam, Saipan, American Samoa and elsewhere in the South Pacific about people who are dying from diabetes because they do not have enough dialysis machines over there. The gentleman from Florida told me he would do everything that he could to help get dialysis machines to those people. He tried to get the money into the appropriations bill; but, unfortunately, at the last minute it could not be done. So I approached him today on the floor and I said these people are dying, they are American citizens, and he said I am going to do everything I can to make sure that they get the equipment necessary to preserve and protect their lives. He was even going to go to the Pentagon to help find a way to get the equipment over there.

I would like to say to the gentleman from Florida (Mr. YOUNG) on behalf of my family and on behalf of people of Guam, Saipan, American Samoa and elsewhere who are not in this bill, I believe they will get the help they need because he said he is going to go that extra mile to get it done.

Mr. Speaker, I know that the gentleman from Florida is leaving the chairmanship of the Committee on Appropriations, so I would like to say that I appreciate the work he has done for not only me but for people all around the world.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I know it is late in the process, but I regret that this omnibus appropriations bill is wholly short on funding for the Low-Income Home Energy Assistance program, otherwise known as LIHEAP. I am compelled to speak on this issue because of the very real national crisis facing residents of the Northeast and the Midwest in the weeks and months ahead.

Mr. Speaker, this omnibus bill provides a total funding for LIHEAP of $2.2 billion. That is approximately $800 million of the level needed to ensure that this program has the same purchasing power as when it was created in 1982.

According to the Center For Budget and Policy Priorities, across this country Americans will see a 24 percent increase in the price of home heating. Heating oil is going up 32 percent, propane 22.3 percent, and natural gas 12.1 percent. Our most vulnerable Americans depend on this program to protect them in the harsh winter months.

Regrettably, the LIHEAP level of funding in this omnibus appropriations bill does not give them that protection. Millions of them will be left out in the cold.

Mr. Speaker, I tried, without success, to amend the conference report in the Rules Committee to increase LIHEAP funding by approximately $800 million. I hope Members of this body, as they return home for the holidays, will remember that they had a chance to address this issue and they were denied that opportunity.

Mr. Speaker, there probably are some good things in this omnibus. Time will tell. This appropriations bill was brought before the Committee on Rules at 9 a.m. this morning. It is a huge bill, as Members see. It probably weighs more than I do, and it will take some time for all of us to sift through the paper. But it frustrates me that those without a powerful lobby or special interest PAC oftentimes are forgotten. This place is about priorities and choices, and this omnibus bill fails to make LIHEAP the priority it needs to be.

Mr. Speaker, the sun is shining on American corporations that choose to take advantage of a special tax loophole by incorporating in the Caribbean Islands. But here at home, in particular my home State of Massachusetts, it is going to be a cold, dark winter for many seniors and low-income families. People in America should

never have to choose between paying for their prescription drugs and heating their homes, and people in America should never have to choose between heating their homes and putting food on the table. Yet because of our lack of action, those are the choices that too many Americans will have to make this winter. We could have and we should have done better.

Mr. Speaker, I commend the gentleman from Texas (Mr. FROST) for his many years of service in this Congress. We are all very proud to have served with him. I wish the gentleman well.

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

Mr. Speaker, I certainly share the gentleman's concern about the situation that people up north find themselves in. It is a situation, to be honest, that is somewhat unfamiliar to me, having been raised in Florida and never having seen snow until I was 30. But I understand the plight. I am proud of the work that the appropriators have done, undoubtedly from the Northeast and around the country, who share the gentleman's concern at funding LIHEAP at $2.2 billion, an increase of $84 million over last year. They are certainly doing everything they can to make sure that the winters in Boston are a little bit less cold and a little bit less dark.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, first I rise to say good-bye to the gentleman from Texas (Mr. FROST). Good-bye for now, and to thank him for all of his contributions to the people of this Nation and to all of us in this body. He has been the ultimate Energizer Bunny. I have never seen such steady, good energy in anybody in my life. I thank the gentleman, and I want him to know he will be missed.

Next, I rise in opposition to the anti-choice, anti-woman provisions in H.R. 4818. This is a misguided measure which is very dangerous for our health care system as a whole. Let me be clear, this provision is nothing more than a payoff to the religious right. The majority party has made it quite clear that winning an election is worth sacrificing the health of American women.

This bill robs women of their right to access comprehensive health care. No matter how Members look at it, this provision goes one step further by making it impossible for women to exercise their reproductive choices and once again subjects them to the wrath of the anti-choice movement.

The current state of our health care system is weakening by the day. Many of our constituents are experiencing increased premiums with others being dropped by their health plans altogether. This provision would effectively strip States of their right to enforce laws that were designed to protect women's health. Instead of putting patient access to care in further jeopardy, we should be figuring out how to improve access to quality health care. Not only is this a direct assault on women's health and the authority of health care providers; it is a slap in the face to State and local governments that have implemented policies that put a woman's health ahead of bad politics.

We cannot fall for this outrageous antic of the anti-choice community. We cannot let them twist another health care issue into a political one. That is why I implore my colleagues on both sides of the aisle to vote against this extremely harmful measure.

Mr. PUTNAM. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. WELDON), a distinguished physician.

Mr. WELDON of Florida. Mr. Speaker, I commend the gentleman for bringing this important rule to the floor. I would also like to join in the chorus of others commending the gentleman from Florida (Mr. YOUNG). He has been an outstanding chairman of the Committee on Appropriations. I guess this is the gentleman's last bill as full committee chairman. I thank the gentleman for being a friend and a mentor to me, and I am certainly glad we are going to continue to have the gentleman on the committee.

Several Members have risen to criticize the included Weldon language in this bill, and I want to clarify that this is the Weldon-Hyde language. This is a continuation of the Hyde policy of conscience protection.

The reason I sought to include this provision in the bill is my experience as a physician, and I still see patients, is that the majority of nurses, technicians and doctors who claim to be pro-choice who claim to support Roe v. Wade always say to me that they would never want to participate in an abortion, perform an abortion, or be affiliated with doing an abortion. This provision is meant to protect health care entities from discrimination because they choose not to provide abortion services.

The measure was adopted during the full committee consideration, and those who opposed it had an opportunity to call for a vote in committee and on the floor, and they did not. This provision is intended to protect the decisions of physicians, nurses, clinics, hospitals, medical centers, and even health insurance providers from being forced by the government to provide, refer, or pay for abortions. This is a reasonable Federal policy, one that was overwhelmingly approved by this very body by a vote of 229–189. The policy simply states that health care entities should not be forced to provide elective abortions, a practice to which a majority of health care providers object, and I can tell Members from personal experience, and which they will not perform as a matter of conscience.

Forty-five States and the Federal Government protect the right of health care providers to decline participation in abortions, and abortion advocates are working to abolish these legal protections in the courts and through the regulatory process. Abortion advocates have launched a campaign to force hospitals and health care entities to provide, refer, and pay for abortions. Abortion advocates argue that the term ''health care entity'' only covers individuals and not institutions. Abortion advocates argue that because an entity receives Federal funds they are required to provide abortions.

By twisting the law, they have successfully used the court and State and local governments to violate the objections to abortions of health care entities and providers. Let me give some examples of what I am talking about. In July 2002, an Alaskan court forced a community hospital to provide elective late-term abortions contrary to its policy and the sentiment of the community.

□ 1145

In New Jersey, abortion advocacy groups urged the State of New Jersey to require a Catholic health system to build an abortion clinic on its premises to serve what they stated was a right of access to abortion.

This year the State of New Mexico refused to approve a hospital lease because the community-owned hospital declined to perform elective abortions.

This provision makes two simple changes in the existing law to prevent discrimination. It explicitly clarifies existing law to state that a health care entity includes a hospital, a health professional, a provider-sponsored organization, a health maintenance organization, a health insurance plan or any other kind of health care facility. It goes on further to state that existing law protects health care entities from discrimination based on three kinds of participation in abortion: performing, training and referring. This amendment strengthens existing law, and it is appropriate language for us to have in the bill.

This provision only applies to health care entities that refuse to provide abortion services. Furthermore, the provision only affects instances when a government requires that a health care entity provide abortion services. Therefore, contrary to what has been said, this provision will not affect access to abortion, the provision of abortion-related information or services by willing providers or the ability of States to fulfill Federal Medicaid legislation.

The right of conscience is fundamental to our American freedoms. We should guarantee this freedom by protecting all health care providers from being forced to perform, refer or pay for elective abortions. This is a good provision. I encourage all of my colleagues to vote ''yes'' on the rule and ''yes'' on the underlying bill.

Mr. FROST. Mr. Speaker, I yield for the purpose of making a unanimous

consent request to the gentlewoman from California (Ms. LOFGREN).

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

Ms. LOFGREN. Mr. Speaker, I rise in opposition to the Weldon amendment language that will reduce health care for women.

Mr. Speaker, once again the Republican majority is trying to pass major legislation detrimental to women written in the still of the night. They know they can't get this legislation passed in the light of day when the American public is watching and listening, so they stealthily add it to a huge omnibus bill at midnight. And now we're debating this on a Saturday morning as most of America is just getting up on a weekend before Thanksgiving. We're about to vote on this major bill without a proper national debate.

Mr. Speaker, this is no simple piece of legislation that merely extends current law as its author claims. This is sweeping new legislation that would allow any individual physician, health care professional, hospital, HMO, health insurance plan or any other kind of health care facility, organization, or plan from providing, paying for, or even referring a patient for abortion services. There isn't even an exception for the health and safety of women, even in cases of life-threatening emergencies, rape or incest.

Worse yet is the draconian enforcement provision. If a state chooses to enforce its own law protecting women's health, that state will lose all of its federal funds for health and human services—funds for Medicaid, SCHIP, Head Start, child care services, and the list goes on.

Whatever happened to a Republican party and its support for states' rights and, more importantly, their compassion for all Americans?

This provision is outrageous—both procedurally and substantively and by itself provides sufficient reason to vote no on the entire bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I am deeply grateful to the gentleman for yielding me this time, for his tireless service to our country, for his friendship, and I wish him and his wife Kathy all the best in the future.

Mr. Speaker, I rise in opposition to the Weldon-Hyde provisions. On this Saturday morning, millions of American women are going about their business, hopefully enjoying leisure time with their families and friends, preparing for Thanksgiving, completely unaware that their Congress, their leaders are stripping them of access to a constitutional right to reproductive health care. Physicians and hospitals, let us be clear, already have the right under the conscience clause to refuse to perform abortions. The Weldon-Hyde provision would allow HMOs or other health insurance companies—HMOs and health insurance companies—to decide for any reason whatsoever it will no longer pay for, provide information or make referrals for abortion services, even if the woman's life is in danger and she is a victim of rape or incest or even if the physician as a matter of his conscience wants to perform this medical service.

Under this bill, it would be impossible for a State to ensure that poor women who are victims of rape or incest can access Medicaid-covered abortions in these narrow circumstances. This bill allows any health care entity to ignore all Federal, State and local laws pertaining to abortion services, information and referrals. While, again, there are no Federal laws that require any individual or hospital to provide abortions, there are Federal laws that women should be informed of their legal options, and this bill could overturn those options.

This bill is a gag clause denying women even necessary information to make informed decisions. Will Rogers used to say, ''No man's house is safe. The legislature is in session.'' Women of child-bearing age, your body is not safe as long as this Republican-dominated Congress is in session.

Mr. PUTNAM. Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from Ohio (Mr. REGULA), the distinguished chairman of the subcommittee who has played a key role in putting this bill together.

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

Mr. REGULA. Mr. Speaker, I rise in support of H.R. 4818. We have put a lot of thoughtful deliberation into these bills, and we are pleased to get this job done. By taking into consideration the priorities of the President and the Members of this House, we have produced a bill that meets the needs of all Americans, 280 million. Let me share with you the funding we have provided in a few of the programs in the Labor, Health and Human Services and Education appropriations bill. I might say there are 500 programs in that bill, but I think there are some worth highlighting.

First is education. It is essential to the preservation of democracy, and an investment in education is an investment in people. Mr. Speaker, Federal education spending has more than doubled since fiscal year 1996, from $23 billion to nearly $57 billion today. The bill supports teachers and students by increasing funding for title I by $500 million. Title I provides additional resources to low-income schools to help principals, teachers and students close education achievement gaps.

Yesterday, we voted to reauthorize IDEA. Many of my colleagues speak with me about the financial demands of special education and the needs of the children in their local school districts. We hear from parents about the need to support adequate special education funding to ensure their special needs children receive a quality education. In this bill, funding for special education totals over $11 billion, a $607 million increase over fiscal year 2004, a 380 percent increase since 1996.

Secondly, health care is a critical part of our Nation's economic development. To assist in protecting the health of all Americans and provide essential human services, the bill provides the Department of Health and Human Services over $64 billion for fiscal year 2005. Mr. Speaker, similar to the Department of Education, we have more than doubled funding for health and human services since fiscal year 1996.

Funding for NIH, that is the place where they do the research on health needs, is increased by $800 million, bringing its total budget to $28.6 billion. As a result of our commitment to the National Institutes of Health, our citizens are living longer and better lives.

Health centers operating at the community level provide regular access to high-quality, family-oriented comprehensive primary and preventive health care, regardless of ability to pay, and improve the health status of underserved populations living in inner city and rural areas. By the end of fiscal year 2004, it is estimated that these facilities around the country will have served more than 13 million patients. Funding is increased in this bill.

Children's hospitals are the training grounds for pediatricians and pediatric specialists. Again, $303 million to educate these people to serve the children of this Nation.

Mr. Speaker, our society is judged not only by the care we provide to our young but also how we treat the elderly. This bill provides over $1.4 billion to the Administration on Aging to enhance health care, nutrition and social supports to seniors and their family caregivers.

The bill also includes $21 million for a Homeless Veterans Reintegration Program to operate employment programs that reach out to our homeless veterans.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me say I rise in strong opposition to this outrageous Weldon provision that is neatly tucked away in this very expansive spending bill.

But, first, I just want to thank the gentleman from Texas for his leadership, for his service and for his friendship. I want to wish him well as he enters this new chapter of his life. Thank you again so much for your leadership.

Mr. Speaker, this refusal clause will allow health insurance companies, hospitals and other corporations to impose policies barring any physician or other health care provider from performing abortions or even from offering referrals. Once again, here is another effort to turn the clock back on women's rights. It will gut the longstanding title X regulatory requirement that pregnant women who request information about all of their medical options, including abortion, be given that information and be given a referral upon request.

Mr. Speaker, this refusal clause is dangerous, it is ill-conceived, and it

will deny untold numbers of women their constitutional right to choose. This is a dangerous time for women around this country. The neo-con agenda is on the march. Women's lives are at stake. Is this the beginning of the end of constitutionally protected health care for women? It is really a dark day for women throughout the land, and we must fight back.

Mr. PUTNAM. Mr. Speaker, it is an honor to yield 1 minute to the distinguished gentleman from San Diego, California (Mr. CUNNINGHAM), a decorated war hero and outspoken supporter of all men and women in uniform.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman, but I want to talk about the education section in the bill.

I had doubts when John Porter left this committee if we had someone that could do as good a caring job, and that job turned out to be the gentleman from Ohio (Mr. REGULA) and his chairmanship of this committee. I was talking to the Deputy Director of Intelligence yesterday and had just got here as the gavel went down on the special education vote. I would have voted for that.

But I also want to thank the committee. If you take a look at the special education needs in this country, they are growing all the time. The increases in this bill for special education itself are at their highest level, $57 billion, $11.5 billion above last year.

I would also like to thank the gentleman from Wisconsin (Mr. OBEY) in that particular committee. The gentleman from Wisconsin is an arm-wrestling opponent, but he does a good job, and I want to thank him for the education portion of this bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all acknowledge the distinguished gentleman from Texas (Mr. FROST) and thank him for his work and his service to this body, which will always be remembered.

Mr. Speaker, I want to take an opportunity very briefly again, I think I have done it before, to thank the appropriators and to thank in particular the chairman and the ranking member of the full committee and their respective chairs and ranking members on what I believe is the general intent to try to work to ensure that America's people receive the benefit of their investment in this Nation. It is not an easy task. Unfortunately, what happens is that the philosophies outside of the appropriators comes into the play of trying to be fair.

Let me make it also very clear that, unlike some of the editorials and commentary as we debate this morning, there are many in our rural and urban centers that are looking for these Federal dollars as their only lifeline of survival. I do not like the denigration of this process because I know that there are constituents where I live that cannot survive if they do not have the opportunities of these dollars for HIV fights, for educational fights, for housing fights.

□ 1200

So the problem with what we see here today is, in addition to the fact that this bill was not given to members to be able to protect the interests of Americans, we have the problem of amendments that are cutting away at the choice of hospitals to do good health care as it relates to individuals who need abortions and who are looking for the health services to be adequate and complete.

In this bill, I saw funding for a vaccine fund, but I do not know if we answered the question why we had a poisoned vaccine or a vaccine that we could not use for millions of Americans who needed the flu shot.

In this bill, we know that we have not met the needs of homeless Americans. As thousands march in Washington, DC, for the homeless, we do not have those dollars that we need.

I am grateful for the dollars that are helping me fight HIV/AIDS in my community and educational opportunities. But the question is, do we have the moneys to do comprehensive immigration reform? We have H–1Bs, but do we have dollars to protect American jobs? Do we have dollars for a comprehensive immigration reform? Do we have dollars to assist the African Union with peacekeeping troops in Africa so that the Sudanese, those in Darfur and around the area, are not being brutalized every single day? Do we have the policies that would provide for the health care for veterans and provide the dollars that I need and many of us need in our districts in our veterans' hospitals? Do we have the dollars for the returning veterans from Iraq and Afghanistan, to provide them with better quality of life and do we have the dollars for their families?

I would only say, as I conclude, Mr. Speaker, that this bill needed more attention, more time, and more cohesion. I would ask my colleagues to reconsider the time that was given for adequate study of the omnibus. Because of the Weldon amendment and other legislative poison pills, I vote ''no'' on the rule.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I appreciate all of my good friends and female colleagues for speaking out on the Weldon-Hyde provision that is in this bill. But I think it is important also to show that this issue is not just related. It is not just a woman's issue. It is about our mothers, wives, daughters, sisters, and it is a bad provision. It is a discriminatory provision, and it undermines the U.S. Constitution that guarantees reproductive rights for all women. And that is the purpose of it. We are supposed to be the people's body, and yet this undermines what the vast majority of the American people believe in.

Seventy-six percent of the public opposes exempting hospitals from providing medical services to which they object on religious grounds, and yet this is the purpose of this provision which we are about to make law. Eighty-nine percent of the public opposes allowing insurance companies to refuse to pay for medical services on religious grounds. This Federal refusal clause is a sweeping new exemption from current laws and regulations pertaining to abortion services and information.

It undermines Roe V. Wade. It is very important. Not just foot in the door. It is getting the whole body of very radical opinion in the door, undermining what the vast majority of the American people believe in. It would change existing law to say that a Federal, State, or local government may not require any constitutional or individual health care provider to provide, pay for, or refer for abortions. It is so ambiguous that virtually any kind of action taken by a Federal, State, or local government could be banned. It is wrong. It should not be in this omnibus appropriations bill, and the public needs to know that there are many people who object to it very strongly.

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

I am delighted to see that the work of the appropriators has been so well received as it relates to transportation needs and defense needs and continuing our support for international issues and the fight against AIDS and malaria and tuberculosis, the investments that they have made in basic medical research. I am glad to see that their work is so highly regarded that the focus of the opposition is limited to a single issue.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I would like to begin by thanking the distinguished gentleman from Texas and his entire staff for their tireless and diligent efforts on behalf of this body and this Nation. They have done an outstanding job.

Mr. Speaker, here is the bill. I hesitate to lift it. I think it is an OSHA violation. This is it. It became available to us at 12:15 last night. It is less than 12 hours later, and we are going to be voting on this in a very short time. Something is wrong with our democracy.

In 1993, the Republican House minority made these statements: A bill that

cannot survive a 3-day scrutiny of its provisions is a bill that should not be enacted. Proper consideration must be given to important legislation even in the closing days of a session. The world's most powerful legislature cannot in good conscience deprive its memberships of a brief study of a committee report prior to final action.

You have done that. You said it must not be done, and you do it repeatedly.

I have about 30 seconds left. Let me yield that time to any Member on this floor who can in good conscience honestly answer two questions: Have they read this document well enough to have confidence they know what is in it, and can they tell the American people why we must act today instead of waiting 3 days?

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

The gentleman has presented two rhetorical questions, and I will respond to one. It is a pleasure to be here with the distinguished gentleman from Washington, a man who represents a very technologically savvy constituency and a very environmentally concerned constituency. And that tremendous pile of paper was available on the Web last night at 12:15 that would have taken advantage of the skills that are out there as well as saving a few trees.

This is an important work. And I might also ask how long it took for the gentleman to read cover to cover all of the nine bills that had already passed this House in due time?

Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, one of the major issues that are of importance to the majority of my constituents is how well we treat the veterans. And it is very important to point out that in this bill there is $19.5 billion for medical services, $4.7 billion for medical administration, $3.7 billion for medical facilities, and $385 million for medical research. What does this mean? What it means is that we are taking good care of our veterans.

It is important, too, to remember that there are no increased fees as was originally proposed. What this means is something that is very important to veterans in not just my district but every single district.

There are other programs in here which are very well funded, such as the National Institutes of Health. They received a bump-up, and certainly we all know that they are working on very many diseases.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

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

Mrs. MALONEY. Mr. Speaker, I first rise to thank the gentleman from Texas (Mr. FROST) for his many years of service to this body. He worked selflessly for the people of Texas. He led the Democrats as the head of the Democratic Congressional Campaign Committee and as the ranking member on the Committee on Rules with great distinction. He was outstanding, a mentor to many of us, and we will miss him deeply. But wherever the gentleman from Texas (Mr. FROST) and Kathy go, I know they will continue to work for the people of Texas and for the United States of America.

I also thank the appropriators, especially the gentleman from Wisconsin (Mr. OBEY), ranking member, and the chairman. And I would like to really thank the gentleman from Florida (Mr. YOUNG), who I understand this is the end of his term, for his steadfast help to New York after 9/11. He has been there through our darkest hours. I even remember on 9/12 calling him and saying that the police and fire needed phones, and he shipped them down to New York that day. He has done a great deal of support for New York in a bipartisan way, and my constituents and city are deeply grateful to him and the gentleman from Wisconsin (Mr. OBEY). We thank them and we will miss him.

Mr. Speaker, I also rise in very strong opposition to the anti-woman, the refusal law, the Weldon gag rule which will undermine and roll back a woman's constitutional right to choose. I would like my colleagues to put this in perspective. This is the 209th action striking at and chipping away at a woman's constitutional right to choose since the Republicans took control of this body; and I find it outrageous the way that they are disregarding the State, local, and Federal law.

I will end by saying that women will suffer, our health care system will suffer, and the Constitution will suffer. I urge my colleagues to vote against expanding this provision to hospitals and clinics.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), who also serves on the Committee on Appropriations and has worked very hard toward this final product.

Mr. WAMP. Mr. Speaker, I thank the gentleman for yielding me this time. It is good to see the gentleman from Florida (Mr. PUTNAM) on the Committee on Rules, managing the bill.

I also recognize the distinguished gentleman from Florida (Mr. YOUNG) for 6 awesome, fair, reasonable, very effective years as the chairman of the Committee on Appropriations. I cannot think of a better gentleman in the House than the gentleman from Florida (Mr. YOUNG), and he has goodwill from every corner from this place and all across the country for so many of the right reasons, and I am grateful for his leadership. I am also grateful that he is going to continue working on the Committee on Appropriations in the days ahead.

We are here today before Thanksgiving finishing all of the years' appropriations work because the staff on the majority and minority side did a lot of work while we were gone being reelected, and I am grateful. My 8 years on the Committee on Appropriations have seen these things slide beyond Thanksgiving, even into the next Congress, which this year we should be proud we are not allowing to happen.

And it is complicated. We have honored the President's request to hold the line on spending. It was a big issue, and we have spent too much in previous years. This year we actually can take pride knowing we are meeting the responsibilities and not spending too much and holding the line on excess riders.

I know there are some differences today over individual aspects of this bill, but, overall, it is a fairly clean product, considering the history of this body. Both sides, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG), and the professional staff can take a lot of pride in knowing that we have got a good work product here and we are meeting the responsibilities of the government.

We are doing it in a timely manner, compared to other years. While we are 6 weeks into it, the fact is this is early compared to previous years. I am very proud of that work.

I am grateful, most importantly, to the staff. There is a changeover when term limits set in, and some staff may leave. I am not going to mention names but just say this staff on the Committee on Appropriations, minority and majority side, deserve a lot of credit. It is a 24/7 job, and they do an outstanding job for the country, and I am grateful.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, let me begin by thanking the gentleman for yielding me this time and for his great service to this body, to the people of the United States. And let me express my regret that he will not be yielding time in the future.

Mr. Speaker, this bill comes before us is an omnibus bill because we did not take all the bills, vote on them on the floor, and the Senate did not do it either. This bill has some real inadequacies in its appropriation. In what promises to be a very cold winter, an inadequate LIHEAP appropriation; a $10 million cut in housing for people with AIDS, as if that scourge is going away from us; and a lot of other inadequacies in funding.

What I want to focus on is a major policy change that has been referred to by several other speakers, the so-called Weldon gag rule. This Federal refusal clause would allow not just hospitals but insurance companies, HMOs, to order their doctors not to perform abortions, not to refer people to abortions, not to tell people about abortion as an option. So whose conscience are we protecting? The board of directors

of the insurance company? The doctors? The patients?

This is an outrage, because it will mean that women who want to have abortions, that women who might want to have abortions, that doctors who think they ought to tell women about their options are told to shut up. By Federal law they cannot do this, because we care about limiting access to a constitutional right, because that is the real purpose of this.

□ 1215

The proposal would preclude State and local governments with oversight authority from enforcing basic health care certifications and licensing requirements in the area of abortion; and in deciding whether to approve a hospital merger, for instance, they could not say no if this would decrease the availability of abortion services or even referral services in an area. Under the bill, States would be precluded from requiring that health care companies provide even referrals for abortion services as a condition for participating in the Medicaid program.

Now, this invasion of States rights, this invasion of the conscience of the women, this invasion of the conscience of the doctors is very deliberate. It is because the people who wrote this clause do not want people to have the freedom to decide for themselves, do not want them to be able to avail themselves of their constitutional rights.

This is not a conscience protection clause. This is a gag rule, and it ought to be defeated.

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

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, first, on the choice issue, I want to commend those other speakers who have stood here and pointed out how this bill will lead to the death of women who are suffering from partial miscarriages and will lead to the partial death of our federalist system as we deny States the right to protect women in their own hospitals.

Three process issues. Frist, we never debated VA–HUD on this floor. Offering amendments to appropriations bills is about the most significant thing rank-and-file Members get to do on this floor, and it illustrates the total irrelevancy of the rank-and-file of both sides when we take that important function away and nobody seems to care. It is all about leadership. And as to VA–HUD, we were not even given the right to pass amendments that could be stripped out in conference.

Second, as the gentleman from Washington (Mr. BAIRD) pointed out, we were not given a chance to read this bill. Why are we not given 3 days to read it and then we can vote on it? Why? Because we want all of Thanksgiving week off; not just 2 days, the whole week. Hey, we are going to get 2 months off because we do not want to do our work. We do not want to read that boring bill. We are going to go home without reading it, but we want to rubber stamp it first.

Finally, and both parties deserve criticism over decades on this one, fiscal management. There is no corporation or major institution in this country that does not decide on its annual budget a month or two before the fiscal year begins. Do my colleagues think General Motors waits until February to figure out its budget? We should have done this bill in August.

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

I would just point out that this bill is within budget and that the House has done its work in hearing and passing the individual spending bills, and whatever inadequacies there may be in this process would not be a result of this half of the legislative branch.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

A lot of mischief can come from a bill that is a $388.4 billion bill, 14.75 inches thick, I measured it, which was filed sometime after midnight. I will guarantee my colleagues not one Member, including the gentleman from Florida, read this bill, even on the Internet.

One of the worst pieces of mischief that is included in this bill that we know of so far, there is probably a lot more, is the so-called Weldon gag rule. This rule, far from constituting a simple conscience clause as proponents claim, will amount to a broad noncompliance permit for companies that want to refuse to abide by the law. The bill could restrict States' autonomy and their right to self-governance, undermine States' abilities to enforce their own constitutional protections, block States' abilities to set the parameters of their own Medicaid programs, override Federal title X guidelines that ensure women receive full medical information, interfere with State and local governments' responsibility to oversee hospital mergers, set health care licensing and certification standards, interfere with, and even possibly override, current Federal laws like the Emergency Medical Treatment and Active Labor Act, which ensure that women in life-threatening circumstances receive the medical care they need and, just as importantly, deny low-income women key information about and referrals to abortion services.

This is wrong. It is the wrong way to do it. It is the wrong way to debate it; and as far as I know, given this massive spending bill that no one has read, as far as I am concerned, it is just the tip of the iceberg. Vote ''no'' on the rule, vote ''no'' on the bill.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time and for his leadership. He has brought many rules to the floor over the course of many sessions of Congress. Our country, this Congress, and the American people have all been well served, especially the people of Texas who took great pride in his leadership, the dean of the Texas delegation, a diligent and, when it comes to the Committee on Rules, that is part of what one has to be, a diligent and very astute and wise leader for the House Democrats on that committee.

The gentleman's service here will be long remembered. We will all be positively impacted for a long time to come, and I want to thank the gentleman and congratulate him for his service to our country.

Mr. Speaker, I rise in opposition to the Weldon amendment, an extraordinary sneak attack on women's rights and a disgraceful display of ideology over health.

This amendment is a radical change in policy that the House has not passed this session and that the Senate has never considered, debated, or voted on. Republicans slipped it into the appropriations in the dark of night when they thought no one was looking. It is entirely outside the scope of this omnibus spending bill, yet it is part of a must-pass bill at the insistence of House Republican leaders.

This language makes a mockery of Roe v. Wade. Under this provision, a woman will not know where her right to choose will be honored or where it will be denied.

This was first advertised to me as an expansion of the conscience clause which we all respect, as a person who served under the leadership of the gentleman from Wisconsin (Mr. OBEY) on the Labor-HHS committee and with our distinguished chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), I knew full well the importance of the conscience clause to Catholic doctors or other faith doctors, but particular mention was always made of Catholic doctors. It was said to me that this was merely an expansion of that from the doctors to the hospitals, Catholic hospitals. But, I say to my colleagues, it is so very much more than that. We all respect a conscience clause, but this goes well beyond that.

If a hospital, a health insurance company, or a doctor opposes Roe v. Wade, they could simply ignore it. They could simply ignore it. This is the law of the land; a constitutional right could simply be ignored. The Weldon amendment

is essentially a domestic gag rule, restricting access to abortion counseling, referral, and information. Health care companies should not be able to prevent doctors from giving medically necessary information.

This language, again, makes a mockery of existing State and local laws, including many State constitutions. Under the Weldon amendment, any law or regulation currently on the books to protect access to reproductive health services is at risk. The term ''discrimination'' in this amendment is so vague that it could be used against any Federal, State, or local government effort to provide reproductive health services.

This language makes a mockery of title X. The title X family planning program provides much-needed reproductive health services that reach millions of low-income, uninsured individuals; and it really is sad because we all want to reduce the number of abortions in our country. That is a goal that we all share, and reproductive family planning is one way to do that.

But under this amendment, clinics could participate in title X programs without providing a full range of reproductive health services. Federal dollars should not be used to deny the federally protected right to choose. Let me repeat that. Federal dollars should not be used to deny the federally protected right to choose.

Roe v. Wade is the law of the land, but Republicans are gutting it step by step.

The Weldon amendment will have a major and harmful impact on women's health. This sweeping new exemption from current laws and regulations should not be the law of the land, and it certainly should not be a part of the omnibus appropriations bill.

The Republican assault on women's rights must be stopped. I urge my colleagues to oppose the Weldon amendment.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, in 1973, Congress passed the Church Amendment to protect the conscience rights of hospitals and health care providers from being forced into involvement with abortion. The amendment provides that the receipt of Federal funds in various health programs will not require hospitals or individuals to participate in abortions if they object based on moral or religious convictions. It also forbade hospitals in these programs to make, willingness or unwillingness to perform abortions a condition of employment.

Since 1973, and I think many Members know this, various conscience protections, many of which deal specifically with abortion, have been enacted into law. Unfortunately, over the years, gaps in the protection of existing law have been exploited by proabortion organizations which have now undertaken a nationwide campaign to require all health care providers to participate in abortion. That campaign has met with some success, and there are a number of those which I will put into the RECORD, including trying to compel Catholic hospitals as a condition of a merger and acquisition to provide abortions. In one case in my own State, they compelled a $2 million settlement that had to go into a trust that paid for abortions. That's outrageous. To counteract this extreme campaign—to force health care providers to participate in abortion—Federal conscience law when signed by President Bush, will now be strengthened.

The principle of the Hyde amendment was that no one should be forced to participate in abortions in any way, and that needs to be affirmed. That is what this Weldon-Hyde amendment will do. The addition of conscience protection to the Hyde amendment remedies current gaps in Federal law and promotes the right of conscientious objection by forbidding federally funded government bodies to coerce the consciences of health care providers who respect fundamentally the right to life and basic human rights for the unborn.

THE CAMPAIGN TO FORCE HOSPITALS TO PROVIDE ABORTION

Forty-five States and the Federal Government protect the right of health care providers to decline involvement in abortion. Pro-abortion groups seek to abolish these legal protections:

ABORTION ACCESS PROJECT

Operating in 24 States, the project's goal is ''increasing access to abortion services by expanding . . . the number of hospitals offering abortion services.'' The project admits that its tactics include ''pressuring hospitals'' and it does so through both political and legal pressure.

The ''Hospital Access Collaborative'' division reports on the State projects' legal and regulatory interventions challenging mergers. See www.abortionaccess.org/AAP/campaigns/hospital/hospital.htm (accessed 09/07/03).

AMERICAN CIVIL LIBERTIES UNION—REPRODUCTIVE FREEDOM PROJECT: ''RELIGIOUS REFUSALS AND REPRODUCTIVE RIGHTS.''

The ACLU has published a report and advocacy kit aimed at requiring all hospitals, including Catholic hospitals, to provide abortions. The report argues: ''When . . . religiously affiliated organizations move into secular pursuits—such as providing medical care or social services to the public or running a business—they should no longer be insulated from secular laws. In the public world, they should play by public rules.'' ACLU, ''Religious Refusals and Reproductive Rights,'' January 2002, page 11, www.aclu.org/Reproductive Rights/ReproductiveRights.cfm?ID=10516&c=30 (accessed 09/10/03).

GEORGE GUND FOUNDATION, PRO-CHOICE RESOURCE CENTER AND ACLU REPRODUCTIVE FREEDOM PROJECT NATIONAL MEETING

''Much of the debate focused on strategy, with participants wonder whether it was better to work toward improving and narrowing conscience clauses or to fight to eliminate them altogether . . . Although reproductive rights activists should still work to improve conscientious exemptions, [ACLU executive director Ira Glaser] said, their ultimate goal should be getting rid of them.'' See ''Conscientious Exemptions and Reproductive Rights,'' Executive Summary, page 10, www.prochoiceresource.org/about/CERR_Body.pdf (accessed 09/07/03).

In one session at the national meeting, the group analyzed a same conscience protection which ''allowed hospitals, their staffs, or 'any other person' to opt out of providing abortions, sterilizations, and contraception if they objected to such services.'' The participants decided ''the measure couldn't be fixed and should be opposed at all costs.'' Id. at page 11.

MARYLAND NARAL HOSPITAL PROVIDER PROJECT

''The goal of the Hospital Provider Project is to increase access to abortion services by requiring Maryland hospitals to provide abortion . . .'' www.mdnaral.org/initiatives.htm (accessed 04/05/2002).

PLANNED PARENTHOOD FEDERATION OF AMERICA

''While everyone has the right to their [sic] opinions about reproductive health care, including . . . abortion, it is important to remember that the conscience that matters most belongs to the patient . . . Health care providers who object to providing certain services still have an obligation to respect the rights of their patients and to enable them to access the health care they need.'' www.plannedparenthood.org/articles/exemptions.html (accessed 09/12/03).

PRO-CHOICE RESOURCE CENTER

''Through its Spotlight Campaign, PCRC [Pro-Choice Resource Center] organizes regional meetings to build a network of opposition to 'conscience' or patient abandonment clauses that allow doctors, pharmacists and entire hospital systems to deny women access to services like abortion . . .'' See www.prochoiceresource.org/programs/rg_meet.html (accessed 09/05/03).

''Right now, so-called 'conscience' clause laws are in place in 45 or 50 States, allowing doctors, pharmacists, clinics, hospitals, managed care plans and even employers to refuse to provide, or to pay for, abortion . . . The MergerWatch program is taking action to expose and overturn these 'conscience' clauses.'' See. www.prochoice resource.org/programs/spot.html (accessed 09/05/03).

CURRENT THREATS

Unfortunately, gaps in the protections of existing laws have been exploited by proabortion organizations, which have undertaken a nationwide campaign to require all health care providers to participate in abortion. That campaign has met with some success. Novel legal and administrative strategies have resulted in:

Forcing a private community hospital to open its doors for late-term abortions,

Denying a certificate of need to an outpatient surgical center that declined involvement in abortion, after an abortion rights coalition intervened in the proceedings,

Forcing a private non-sectarian hospital to leave a cost-saving consortium, because the consortium abided by a pro-life policy in its member hospitals,

Dismantling a hospital merger, after abortion advocates approached a State attorney general to challenge the merger,

Pressuring a hospital to place $2 million in trust for abortions and sterilizations before allowing the hospital to consolidate,

Attempting to require a Catholic hospital to build an abortion clinic and pay for abortions,

Threatening a Catholic-operated HMO with loss of State contracts because it declines to provide abortions,

Prohibiting hospitals from ensuring that the property they sell is not used for abortions.

Mr. FROST. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I have no further requests for time; but I would like to take a moment, if I may, to speak on a more personal note.

This will be my last speech before the House and the last rule that I will manage. First, let me say that serving on the Committee on Rules has been the highlight of my congressional career, and although I will not miss attending our midnight and 7 a.m. meetings, I will miss the committee, its members, and the good work we tried to do every week.

It has been my distinct honor to have served in this great body for 26 years. During my time here, I have had the privilege to work alongside some of the most talented and dedicated Members that this body has ever known. I want to thank them, my colleagues, for their constant efforts on behalf of this great Nation, and I want to thank them for their friendship. I also want to thank my constituents for their trust and support. I have always tried to serve my constituents as honestly and diligently as I could, and although my time here has come to an end, I do hope in some way that I may have been able to give a little something back to the people and to the country that has given me so much.

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

□ 1230

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

Mr. Speaker, I certainly tip my hat to the distinguished ranking member of the Committee on Rules. The gentleman has served on that committee for 26 years, and I certainly wish him and his family all the best.

Mr. Speaker, it is a pleasure to bring the debate on this rule over this critically important continuation of the Federal Government to a close. I want to thank our great Floridan, the gentleman from Florida (Mr. YOUNG), for what he and his staff, his great committee, have done in meeting the needs and prioritizing the needs of this Nation.

As a Nation and as a State, we are indebted to the gentleman from Florida (Mr. YOUNG) for the leadership and service he has provided. As a Congress, we are indebted to him for the patience and honor and dignity and demeanor that he has brought to these ever-so-difficult times. No one can understand the burdens that are placed on the chairman, and he has always handled them so well.

As we debate the issues contained within this omnibus and what it means for this Nation going into the Thanksgiving week, it is important that we keep in mind as we celebrate that uniquely American holiday that the safety and comfort that is provided for us by the men and women who are funded by this bill and the infrastructure that takes us to be with family and friends is provided by investments made in this bill. And as we give thanks to the Almighty for our family and our friends and for the blessings, it is important to take the opportunity to give thanks for the blessings of just being an American and the liberty and freedom that that means and the people who provide it for us who are in uniform, who are in law enforcement and who benefit greatly by the priorities in this bill.

AMENDMENT OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PUTNAM:

At the end of the resolution add the following:

SEC. 3. Upon the adoption of this resolution, the House shall be considered to have adopted House Concurrent Resolution 528.

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAIRD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2655. An act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

The message also announced that the Senate has passed without amendment a bill and a concurrent resolution and joint resolutions of the House of the following titles:

H.R. 2912. An act to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

H. Con. Res. 524. Concurrent resolution directing the Clerk of the House of Representatives to make certain corrections to the enrollment of H.R. 1350.

H.J. Res. 110. Joint resolution recognizing the 60th anniversary of the Battle of the Bulge during World War II.

H.J. Res 111. Joint resolution appointing the day for the convening of the first session of the One Hundred Ninth Congress.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1047) ''An Act to amend the Harmonized Tariff Schedule of the United States to Modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.''.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1350) ''An Act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.''.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 480. An act to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 519. An act to determine the feasibility of establishing an Indian Tribal Development Corporation.

S. 1438. An act to provide for equitable compensation to the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

S. 1530. An act to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

S. 1996. An act to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program.

S. 2154. An act to establish a National sex offender registration database, and for other purposes.

S. 2605. An act to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes.

S. 2873. An act to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1356

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OSE) at 1 o'clock and 56 minutes p.m.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 114, CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 866, as amended, on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAIRD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 866 will be followed by a 5-minute vote on the motion to suspend the rules and pass the bill, H.R. 5382.

The vote was taken by electronic device, and there were—yeas 233, nays 158, not voting 42, as follows:

[Roll No. 540]

YEAS—233

Aderholt
Akin
Alexander
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
Engel
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—158

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Woolsey
Wu

NOT VOTING—42

Ackerman
Bachus
Blumenauer
Boswell
Burr
Cannon
Case
Collins
Conyers
Cunningham
Delahunt
Deutsch
Dunn
Fattah
Feeney
Gephardt
Gillmor
Hill
Hobson
John
Kind
Kleczka
Lipinski
McCarthy (NY)
McDermott
McGovern
Meehan
Millender-McDonald
Moran (VA)
Musgrave
Norwood
Quinn
Rothman
Ruppersberger
Skelton
Toomey
Towns
Turner (TX)
Upton
Waters
Weller
Wexler

□ 1420

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

Mr. TIBERI and Mr. HAYES changed their vote from ''nay'' to ''yea''.

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 540, I was delayed in getting to the floor. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. OSE). Pursuant to House Resolution 866, House Concurrent Resolution 528 is adopted.

The text of H. Con. Res. 528 is as follows:

H. CON. RES. 528

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

1. In Division H—Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005, strike all of section 643 and insert:

SEC. 643. Section 653(j) of title 42, United States Code, is amended by adding at the end the following new paragraph:

''(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN FEDERAL DEBT COLLECTION—

''(A) FURNISHING OF INFORMATION BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall furnish to the Secretary, on such periodic basis as determined by the Secretary of the Treasury in consultation with the Secretary, information in the custody of the Secretary of the Treasury for comparison with information in the National Directory of New Hires, in order to obtain information in such Directory with respect to persons—

''(i) who owe delinquent nontax debt to the United States; and

''(ii) whose debt has been referred to the Secretary of the Treasury in accordance with 31 U.S.C. 3711(g).

''(B) REQUIREMENT TO SEEK MINIMUM INFORMATION.—The Secretary of the Treasury shall seek information pursuant to this section only to the extent necessary to improve collection of the debt described in subparagraph (A).

''(C) DUTIES OF THE SECRETARY.—

''(i) INFORMATION DISCLOSURE.—The Secretary, in cooperation with the Secretary of the Treasury, shall compare information in the National Directory of New Hires with information provided by the Secretary of the Treasury with respect to persons described in subparagraphs (A) and shall disclose information in such Directory regarding such persons to the Secretary of the Treasury in accordance with this paragraph, for the purposes specified in this paragraph. Such comparison of information shall not be considered a matching program as defined in 5 U.S.C. 552a.

''(a) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 466(b) of this title shall be given priority over collection of any delinquent federal nontax debt against the same income.

''(D) USE OF INFORMATION BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury may use information provided under this paragraph only for purposes of collecting the debt described in subparagraph (A).

''(E) DISCLOSURE OF INFORMATION BY THE SECRETARY OF THE TREASURY.—

''(i) PURPOSE OF DISCLOSURE.—The Secretary of the Treasury may make disclosure under this subparagraph only for purposes of collecting the debt described in subparagraph (A).

''(ii) DISCLOSURES PERMITTED.—Subject to clauses (iii) and (iv), the Secretary of the Treasury may disclose information resulting from a data match pursuant to this paragraph only to the Attorney General in connection with collecting the debt described in subparagraph (A).

''(iii) CONDITIONS ON DISCLOSURE.—Disclosures under this subparagraph shall be—

''(I) made in accordance with data security and control policies established by the Secretary of the Treasury and approved by the Secretary;

''(II) subject to audit in a manner satisfactory to the Secretary; and

''(III) subject to the sanctions under subsection (l)(2).

''(iv) ADDITIONAL DISCLOSURES.—

''(I) DETERMINATION BY SECRETARIES.—The Secretary of the Treasury and the Secretary shall determine whether to permit disclosure of information under this paragraph to persons or entities described in subclause (II), based on an evaluation made by the Secretary of the Treasury (in consultation with and approved by the Secretary), of the costs and benefits of such disclosures and the adequacy of measures used to safeguard the security and confidentiality of information so disclosed.

''(II) PERMITTED PERSONS OR ENTITIES.—If the Secretary of the Treasury and the Secretary determine pursuant to subclause (I) that disclosures to additional persons or entities shall be permitted, information under this paragraph may be disclosed by the Secretary of the Treasury, in connection with collecting the debt described in subparagraph (A), to a contractor or agent of either Secretary and to the Federal agency that referred such debt to the Secretary of the Treasury for collection, subject to the conditions in clause (iii) and such additional conditions as agreed to by the Secretaries.

''(v) RESTRICTIONS ON REDISCLOSURE.—A person or entity to which information is disclosed under this subparagraph may use or disclose such information only as needed for collecting the debt described in subparagraph (A), subject to the conditions in clause (iii) and such additional conditions as agreed to by the Secretaries.

''(F) REIMBURSEMENT OF HHS COSTS.—The Secretary of the Treasury shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph. Any such costs paid by the Secretary of the Treasury shall be considered costs of implementing 31 U.S.C. 3711(g) in accordance with 31 U.S.C. 3711(g)(6) and may be paid from the account established pursuant to 31 U.S.C. 3711(g)(7).''.'

2. In section 122 of Title I of Division J—Other Matters, strike ''0.83'' and insert ''0.80''.

COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5382.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 5382, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 269, nays 120, not voting 43, as follows:

[Roll No. 541]

YEAS—269

Abercrombie
Aderholt
Akin
Alexander
Baca
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emanuel
Emerson
English
Eshoo
Everett
Farr
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hoekstra
Holt
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Maloney
Manzullo
Marshall
Matsui
McCotter
McCrery
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner (OH)
Udall (CO)
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NAYS—120

Allen
Andrews
Baird
Baldwin
Bass
Becerra
Berkley
Berman
Berry
Bishop (NY)
Brady (PA)
Brown (OH)
Capuano
Cardin
Carson (IN)
Chandler
Conyers
Cooper
Costello
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Edwards
Engel
Etheridge
Evans
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Herseth
Hinchey
Hoeffel
Holden
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
Majette
Markey
Matheson
McCarthy (MO)
McCollum
McGovern
McIntyre
Menendez
Michaud
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Scott (VA)
Serrano
Slaughter
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (NM)
Velázquez
Watson
Waxman
Weiner
Woolsey
Wu
Young (AK)

NOT VOTING—43

Ackerman
Bachus
Blumenauer
Boswell
Burr
Cannon
Case
Collins
Delahunt
Deutsch
Dunn
Fattah
Feeney
Gephardt
Gillmor
Graves
Hart
Hill
Hobson
John
Kind
Kirk
Kleczka
Larson (CT)
Lipinski
Lynch
McCarthy (NY)
McDermott
Meehan
Millender-McDonald
Musgrave
Norwood
Putnam
Quinn
Rothman
Skelton
Toomey
Towns
Turner (TX)
Upton
Waters
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that two minutes remain in this vote.

□ 1432

Messrs. DICKS, DAVIS of Florida and ETHERIDGE changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HART. Mr. Speaker, on rollcall No. 541 I was inadvertently detained. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report accompanying H.R. 4818, and that I may include tabular material on the same.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

Mr. YOUNG of Florida. Pursuant to House Resolution 866, I call up the conference report on the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 866, the conference report is considered read.

(For conference report and statement, see Book II of proceedings of the House of Friday, November 19, 2004.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the bill we bring to the floor today is a conference report on the omnibus appropriations bill which includes nine bills that were not concluded prior to the end of the fiscal year. The good news is that the House had passed every one of our bills but one. And the other good news is that this bill concludes the appropriations business for fiscal year 2005.

I compliment the Committee on Appropriations on both sides of the aisle. I compliment the Members of the House for having moved all of our bills expeditiously; but this will conclude our business, and now the 109th Congress can start fresh, with a new budget resolution, hopefully, and a new appropriations process.

The bill that we are discussing today has already been discussed in great detail during consideration of the rule. The bill itself has been available for more than 14 hours for Members to review, and there is a 10-page summary on all of the desks that is available so Members can look at the highlights of the bill.

Considering the fact that we had to include nine bills here, and some extraneous material, this is a pretty good bill. It is a clean bill. It is a lean bill. It is within the budget limitations set by the House and set by the President; and so I would just hope, Mr. Speaker, that we can conclude this work and move on to whatever is next.

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	5,062	5,185	4,185	5,124	5,124	+62
Executive Operations:						
Chief Economist	8,656	14,949	10,810	9,817	10,317	+1,661
National Appeals Division	13,589	14,826	14,526	14,154	14,331	+742
Office of Budget and Program Analysis	7,694	8,146	8,246	8,128	8,228	+534
Homeland Security staff	496	1,491	508	1,000	775	+279
Office of the Chief Information Officer	15,402	22,093	15,608	17,595	16,595	+1,193
Common computing environment	118,585	136,736	---	125,585	125,585	+7,000
Office of the Chief Financial Officer	5,650	8,063	5,811	5,742	5,742	+92
Working capital fund	---	12,850	12,850	---	12,850	+12,850
Total, Executive Operations	170,072	219,154	68,359	182,021	194,423	+24,351
Office of the Assistant Secretary for Civil Rights	803	819	803	819	818	+15
Office of Civil Rights	18,123	22,283	19,452	20,347	19,889	+1,766
Office of the Assistant Secretary for Administration	669	808	669	682	669	---
Agriculture buildings and facilities and rental payments	(155,546)	(175,938)	(128,216)	(170,870)	(163,870)	(+8,324)
Payments to GSA	123,179	128,319	128,319	128,319	128,319	+5,140
Building operations and maintenance	32,367	41,642	35,564	37,551	35,551	+3,184
Repairs, renovations, and construction	---	5,977	2,000	5,000	---	---
House floor amendments	---	---	-37,667	---	---	---
Hazardous materials management	15,519	15,730	15,730	15,532	15,532	+13
Departmental administration	22,119	26,361	22,939	22,626	22,626	+507
Office of the Assistant Secretary for Congressional Relations	3,774	4,263	3,852	3,852	3,852	+78
Office of Communications	9,174	10,288	9,378	9,365	9,365	+191
Office of the Inspector General	76,825	78,392	78,392	78,289	78,289	+1,464
Office of the General Counsel	34,495	38,589	35,486	36,236	35,861	+1,366
Office of the Under Secretary for Research, Education, and Economics	592	805	592	605	592	---
Economic Research Service	70,981	80,032	76,575	75,268	74,768	+3,787
National Agricultural Statistics Service	128,161	137,594	128,661	130,299	129,480	+1,319
Census of Agriculture	(25,279)	(22,520)	(22,520)	(22,405)	(22,405)	(-2,874)
Agricultural Research Service:						
Salaries and expenses	1,082,468	987,597	1,057,029	1,090,261	1,110,887	+28,419
Buildings and facilities	63,434	178,000	202,000	172,838	187,838	+124,404
Total, Agricultural Research Service	1,145,902	1,165,597	1,259,029	1,263,099	1,298,725	+152,823
Cooperative State Research, Education, and Extension Service:						
Research and education activities	617,780	501,540	628,607	628,492	660,781	+43,001
Native American Institutions Endowment Fund	(9,000)	(12,000)	(12,000)	(12,000)	(12,000)	(+3,000)
Extension activities	439,125	421,174	440,349	443,061	449,225	+10,100
Integrated activities	50,195	76,865	66,255	57,242	55,153	+4,958
Outreach for socially disadvantaged farmers	5,935	5,935	5,935	5,935	5,935	---
Total, Cooperative State Research, Education, and Extension Service	1,113,035	1,005,514	1,141,146	1,134,730	1,171,094	+58,059
Office of the Under Secretary for Marketing and Regulatory Programs	721	804	721	733	721	---
Animal and Plant Health Inspection Service:						
Salaries and expenses	716,329	828,361	831,823	786,866	814,623	+98,294
Buildings and facilities	4,967	4,996	4,996	4,967	4,967	---
Total, Animal and Plant Health Inspection Service	721,296	833,357	836,819	791,833	819,590	+98,294

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Agricultural Marketing Service:						
Marketing Services	74,985	85,998	75,892	78,198	75,698	+713
Standardization user fees	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---
(Limitation on administrative expenses, from fees collected)	(62,577)	(64,459)	(64,459)	(64,459)	(64,459)	(+1,882)
Funds for strengthening markets, income, and supply (transfer from section 32)	15,392	15,800	15,800	15,800	15,800	+408
Payments to states and possessions	3,318	1,347	1,347	3,847	3,847	+529
Total, Agricultural Marketing Service	93,695	103,145	93,039	97,845	95,345	+1,650
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	35,678	44,150	37,540	37,299	37,299	+1,621
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	(42,463)	(42,463)	---
Office of the Under Secretary for Food Safety	595	803	595	608	595	---
Food Safety and Inspection Service	779,882	838,660	824,746	823,757	823,760	+43,878
Lab accreditation fees	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	---
Total, Production, Processing, and Marketing	4,602,719	4,808,271	4,786,924	4,901,839	5,002,287	+399,568
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	631	933	631	648	631	---
Farm Service Agency:						
Salaries and expenses	982,934	1,007,877	1,060,471	1,004,032	1,007,597	+24,663
(Transfer from export loans)	(841)	(1,033)	(1,033)	(1,002)	(1,002)	(+161)
(Transfer from P.L. 480)	(1,053)	(3,119)	(1,269)	(2,937)	(2,937)	(+1,884)
(Transfer from ACIF)	(281,350)	(305,011)	(289,445)	(293,764)	(293,764)	(+12,414)
Subtotal, transfers from program accounts	(283,244)	(309,163)	(291,747)	(297,703)	(297,703)	(+14,459)
Total, Salaries and expenses	(1,266,178)	(1,317,040)	(1,352,218)	(1,301,735)	(1,305,300)	(+39,122)
State mediation grants	3,951	4,000	4,000	4,000	4,000	+49
Dairy indemnity program	100	100	100	100	100	---
Subtotal, Farm Service Agency	986,985	1,011,977	1,064,571	1,008,132	1,011,697	+24,712
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct	(128,396)	(200,000)	(200,000)	(210,000)	(210,000)	(+81,604)
Guaranteed	(944,395)	(1,400,000)	(1,400,000)	(1,100,000)	(1,400,000)	(+455,605)
Subtotal	(1,072,791)	(1,600,000)	(1,600,000)	(1,310,000)	(1,610,000)	(+537,209)
Farm operating loans:						
Direct	(613,860)	(650,000)	(650,000)	(650,000)	(650,000)	(+36,140)
Unsubsidized guaranteed	(1,192,920)	(1,200,000)	(1,200,000)	(1,000,000)	(1,100,000)	(-92,920)
Subsidized guaranteed	(264,678)	(266,253)	(266,253)	(300,000)	(285,000)	(+20,322)
Subtotal	(2,071,458)	(2,116,253)	(2,116,253)	(1,950,000)	(2,035,000)	(-36,458)
Indian tribe land acquisition loans	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	---
Natural disasters emergency insured loans	---	(25,000)	---	---	---	---
Boll weevil eradication loans	(100,000)	(60,000)	(100,000)	(100,000)	(100,000)	---
Total, Loan authorizations	(3,246,249)	(3,803,253)	(3,818,253)	(3,362,000)	(3,747,000)	(+500,751)

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Loan subsidies:						
Farm ownership loans:						
Direct	28,350	10,700	10,700	11,235	11,235	-17,115
Guaranteed	5,100	7,420	7,420	5,830	7,420	+2,320
Subtotal	33,450	18,120	18,120	17,065	18,655	-14,795
Farm operating loans:						
Direct	88,519	65,585	65,585	65,585	65,585	-22,934
Unsubsidized guaranteed	39,724	38,760	38,760	32,300	35,530	-4,194
Subsidized guaranteed	33,799	35,438	35,438	39,930	37,934	+4,135
Subtotal	162,042	139,783	139,783	137,815	139,049	-22,993
Indian tribe land acquisition	---	105	105	105	105	+105
Natural disasters emergency insured loans	---	3,235	---	---	---	---
Total, Loan subsidies	195,492	161,243	158,008	154,985	157,809	-37,683
ACIF expenses:						
Salaries and expense (transfer to FSA)	281,350	305,011	289,445	293,764	293,764	+12,414
Administrative expenses	7,901	8,000	8,000	8,000	8,000	+99
Total, ACIF expenses	289,251	313,011	297,445	301,764	301,764	+12,513
Total, Agricultural Credit Insurance Fund	484,743	474,254	455,453	456,749	459,573	-25,170
(Loan authorization)	(3,246,249)	(3,803,253)	(3,818,253)	(3,362,000)	(3,747,000)	(+500,751)
Total, Farm Service Agency	1,471,728	1,486,231	1,520,024	1,464,881	1,471,270	-458
Risk Management Agency	71,001	91,582	72,044	72,044	72,044	+1,043
Total, Farm Assistance Programs	1,543,360	1,578,746	1,592,699	1,537,573	1,543,945	+585
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	3,765,000	4,095,128	4,095,128	4,095,128	4,095,128	+330,128
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses	22,937,000	16,452,377	16,452,377	16,452,377	16,452,377	-6,484,623
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	---
Total, Corporations	26,702,000	20,547,505	20,547,505	20,547,505	20,547,505	-6,154,495
Total, title I, Agricultural Programs	32,848,079	26,934,522	26,927,128	26,986,917	27,093,737	-5,754,342
(By transfer)	(283,244)	(309,163)	(291,747)	(297,703)	(297,703)	(+14,459)
(Loan authorization)	(3,246,249)	(3,803,253)	(3,818,253)	(3,362,000)	(3,747,000)	(+500,751)
(Limitation on administrative expenses)	(110,040)	(111,922)	(111,922)	(111,922)	(111,922)	(+1,882)

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	741	936	731	758	741	---
Natural Resources Conservation Service:						
Conservation operations	847,971	710,412	854,132	845,863	837,360	-10,611
Watershed surveys and planning	10,500	5,083	11,083	7,500	7,083	-3,417
Watershed and flood prevention operations	86,487	40,173	86,487	64,000	75,576	-10,911
Watershed rehabilitation program	29,629	10,091	30,091	25,000	27,500	-2,129
Resource conservation and development	51,641	50,760	51,641	50,760	51,641	---
Farm bill technical assistance	---	92,024	---	---	---	---
Total, Natural Resources Conservation Service	1,026,228	908,543	1,033,434	993,123	999,160	-27,068
Total, title II, Conservation Programs	1,026,969	909,479	1,034,165	993,881	999,901	-27,068
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development	632	929	632	645	632	---
Rural Development:						
Rural community advancement program	752,956	541,979	668,408	733,360	716,049	-36,907
Tree assistance (sec. 747)	---	---	---	---	---	---
(Transfer out)	(-28,000)	---	---	(-28,000)	(-28,000)	---
Total, Rural community advancement program	752,956	541,979	668,408	733,360	716,049	-36,907
RD expenses:						
Salaries and expenses	141,032	149,749	171,250	143,452	148,452	+7,420
(Transfer from RHIF)	(440,687)	(465,886)	(448,889)	(448,342)	(448,342)	(+7,655)
(Transfer from RDLFP)	(4,247)	(6,656)	(4,321)	(4,316)	(4,316)	(+69)
(Transfer from RETLP)	(37,630)	(39,933)	(38,323)	(38,277)	(38,277)	(+647)
(Transfer from RTB)	(3,152)	(3,328)	(3,152)	(3,152)	(3,152)	---
Subtotal, Transfers from program accounts	(485,716)	(515,803)	(494,685)	(494,087)	(494,087)	(+8,371)
Total, RD expenses	(626,748)	(665,552)	(665,935)	(637,539)	(642,539)	(+15,791)
Total, Rural Development	893,988	691,728	839,658	876,812	864,501	-29,487
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family direct (sec. 502)	(1,351,397)	(1,100,000)	(1,100,000)	(1,200,000)	(1,150,000)	(-201,397)
Unsubsidized guaranteed	(2,709,094)	(2,725,185)	(3,309,297)	(2,725,185)	(3,309,297)	(+600,203)
Subtotal, Single family	(4,060,491)	(3,825,185)	(4,409,297)	(3,925,185)	(4,459,297)	(+398,806)
Housing repair (sec. 504)	(34,797)	(35,000)	(35,000)	(35,000)	(35,000)	(+203)
Rental housing (sec. 515)	(115,857)	(60,000)	(116,063)	(90,000)	(100,000)	(-15,857)
Site loans (sec. 524)	(5,045)	(5,045)	(5,045)	(5,045)	(5,045)	---
Multi-family housing guarantees (sec. 538)	(99,410)	(100,000)	(100,000)	(85,960)	(100,000)	(+590)
Multi-family housing credit sales	(1,491)	(1,501)	(1,501)	(1,501)	(1,501)	(+10)
Single family housing credit sales	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	---
Self-help housing land develop. (sec. 523)	(2,421)	(5,000)	(10,000)	(5,000)	(10,000)	(+7,579)
Total, Loan authorizations	(4,329,512)	(4,041,731)	(4,686,906)	(4,157,691)	(4,720,843)	(+391,331)

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Loan subsidies:						
Single family direct (sec. 502)	125,274	127,380	127,380	138,960	133,170	+7,896
Unsubsidized guaranteed	39,668	33,608	33,608	33,608	33,608	-6,060
Subtotal, Single family	164,942	160,988	160,988	172,568	166,778	+1,836
Housing repair (sec. 504)	9,555	10,171	10,171	10,171	10,171	+616
Rental housing (sec. 515)	49,830	28,254	54,654	42,381	47,090	-2,740
Site loans (sec. 524)	---	---	---	---	---	---
Multi-family housing guarantees (sec. 538)	5,915	3,490	3,490	3,000	3,490	-2,425
Multi-family housing credit sales	659	727	727	727	727	+68
Single family housing credit sales	---	---	---	---	---	---
Self-help housing land develop. (sec. 523)	75	---	---	---	---	-75
Total, Loan subsidies	230,976	203,630	230,030	228,847	228,256	-2,720
RHIF administrative expenses (transfer to RD)	440,687	465,886	448,889	448,342	448,342	+7,655
Rental assistance program:						
(Sec. 521)	574,689	586,100	586,100	580,000	586,100	+11,411
(Sec. 502(c)(5)(D))	5,865	5,900	5,900	5,900	5,900	+35
Total, Rental assistance program	580,554	592,000	592,000	585,900	592,000	+11,446
Total, Rural Housing Insurance Fund	1,252,217	1,261,516	1,270,919	1,263,089	1,268,598	+16,381
(Loan authorization)	(4,329,512)	(4,041,731)	(4,686,906)	(4,157,691)	(4,720,843)	(+391,331)
Mutual and self-help housing grants	33,799	34,000	34,000	34,000	34,000	+201
Rural housing assistance grants	45,949	42,500	42,500	46,992	43,992	-1,957
Farm labor program account	36,093	36,765	36,765	31,471	34,118	-1,975
Subtotal, grants and payments	115,841	113,265	113,265	112,463	112,110	-3,731
Total, Rural Housing Service	1,368,058	1,374,781	1,384,184	1,375,552	1,380,708	+12,650
(Loan authorization)	(4,329,512)	(4,041,731)	(4,686,906)	(4,157,691)	(4,720,843)	(+391,331)
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(39,764)	(34,213)	(34,213)	(34,213)	(34,213)	(-5,551)
Loan subsidy	17,206	15,868	15,868	15,868	15,868	-1,338
Administrative expenses (transfer to RD)	4,247	6,656	4,321	4,316	4,316	+69
Total, Rural Development Loan Fund	21,453	22,524	20,189	20,184	20,184	-1,269
Rural Economic Development Loans Program Account:						
(Loan authorization)	(14,914)	(25,003)	(25,003)	(25,003)	(25,003)	(+10,089)
Direct subsidy	2,776	4,698	4,698	4,698	4,698	+1,922
Rural cooperative development grants	23,858	21,000	23,500	24,000	24,000	+142
Rural empowerment zones and enterprise communities grants	12,592	---	11,419	12,500	12,500	-92
Renewable energy program	22,864	10,770	23,000	20,000	23,000	+136
Total, Rural Business-Cooperative Service	83,543	58,992	82,806	81,382	84,382	+839
(Loan authorization)	(54,678)	(59,216)	(59,216)	(59,216)	(59,216)	(+4,538)

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Electric:						
Direct, 5%	(240,000)	(120,000)	(120,000)	(120,000)	(120,000)	(-120,000)
Direct, Municipal rate	(1,000,000)	(100,000)	(100,000)	(100,000)	(100,000)	(-900,000)
Direct, FFB	(1,900,000)	(1,620,000)	(2,000,000)	(2,100,000)	(2,000,000)	(+100,000)
Direct, Treasury rate	(750,000)	(700,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+250,000)
Guaranteed electric	(99,410)	(100,000)	(100,000)	(100,000)	(100,000)	(+590)
Guaranteed underwriting	(1,000,000)	---	(1,000,000)	(1,000,000)	(1,000,000)	---
Subtotal, Electric	(4,989,410)	(2,640,000)	(4,320,000)	(4,420,000)	(4,320,000)	(-669,410)
Telecommunications:						
Direct, 5%	(145,000)	(145,000)	(145,000)	(145,000)	(145,000)	---
Direct, Treasury rate	(248,525)	(250,000)	(250,000)	(250,000)	(250,000)	(+1,475)
Direct, FFB	(120,000)	(100,000)	(125,000)	(125,000)	(125,000)	(+5,000)
Subtotal, Telecommunications	(513,525)	(495,000)	(520,000)	(520,000)	(520,000)	(+6,475)
Total, Loan authorizations	(5,502,935)	(3,135,000)	(4,840,000)	(4,940,000)	(4,840,000)	(-662,935)
Loan subsidies:						
Electric:						
Direct, 5%	---	3,648	3,648	3,648	3,648	+3,648
Direct, Municipal rate	---	1,350	1,350	1,350	1,350	+1,350
Guaranteed electric	60	60	60	60	60	---
Subtotal, Electric	60	5,058	5,058	5,058	5,058	+4,998
Telecommunications:						
Direct, 5%	---	---	---	---	---	---
Direct, Treasury rate	124	100	100	100	100	-24
Subtotal, Telecommunications	124	100	100	100	100	-24
Total, Loan subsidies	184	5,158	5,158	5,158	5,158	+4,974
RETLP administrative expenses (transfer to RD)	37,630	39,933	38,323	38,277	38,277	+647
Total, Rural Electrification and Telecommunications Loans Program Account	37,814	45,091	43,481	43,435	43,435	+5,621
(Loan authorization)	(5,502,935)	(3,135,000)	(4,840,000)	(4,940,000)	(4,840,000)	(-662,935)
Rural Telephone Bank Program Account:						
(Loan authorization)	(173,503)	---	(175,000)	(175,000)	(175,000)	(+1,497)
Direct loan subsidy	---	---	---	---	---	---
RTB administrative expenses (transfer to RD)	3,152	3,328	3,152	3,152	3,152	---
Total, Rural Telephone Bank Program Account	3,152	3,328	3,152	3,152	3,152	---
High energy costs grants (by transfer)	(27,835)	---	---	(28,000)	(28,000)	(+165)
Distance learning, telemedicine, and broadband program:						
Loan authorizations:						
Distance learning and telemedicine	(300,000)	---	(50,000)	(20,000)	(50,000)	(-250,000)
Broadband telecommunications	(598,101)	(331,081)	(464,038)	(600,000)	(550,000)	(-48,101)
Total, Loan authorizations	(898,101)	(331,081)	(514,038)	(620,000)	(600,000)	(-298,101)

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Loan subsidies:						
Distance learning and telemedicine:						
Direct	---	---	710	284	710	+710
Grants	38,770	25,000	25,000	38,000	35,000	-3,770
Broadband telecommunications:						
Direct	13,039	9,884	9,884	12,780	11,715	-1,324
Grants	8,947	---	9,000	9,000	9,000	+53
Total, Loan subsidies and grants	60,756	34,884	44,594	60,064	56,425	-4,331
Total, Rural Utilities Service	101,722	83,303	91,227	106,651	103,012	+1,290
(Loan authorization)	(6,574,539)	(3,466,081)	(5,529,038)	(5,735,000)	(5,615,000)	(-959,539)
Total, title III, Rural Economic and Community Development Programs	2,447,943	2,209,733	2,398,507	2,441,042	2,433,235	-14,708
(By transfer)	(513,551)	(515,803)	(494,685)	(522,087)	(522,087)	(+8,536)
(Loan authorization)	(10,958,729)	(7,567,028)	(10,275,160)	(9,951,907)	(10,395,059)	(-563,670)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services	595	799	595	608	595	---
Food and Nutrition Service:						
Child nutrition programs	6,717,780	6,056,860	6,227,595	6,060,860	6,629,038	-88,742
Transfer from section 32	4,699,661	5,319,697	5,152,962	5,319,697	5,152,962	+453,301
Discretionary spending	---	---	---	---	---	---
Total, Child nutrition programs	11,417,441	11,376,557	11,380,557	11,380,557	11,782,000	+364,559
Special supplemental nutrition program for women, infants, and children (WIC)	4,611,861	5,087,250	4,907,250	5,050,250	5,277,250	+665,389
(Contingent emergency appropiations)	---	---	---	125,000	---	---
Total, (WIC)	4,611,861	5,087,250	4,907,250	5,175,250	5,277,250	+665,389
Food stamp program:						
Expenses	26,403,176	30,495,798	29,047,276	29,053,276	30,499,527	+4,096,351
Reserve	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	---
Nutrition assistance for Puerto Rico and Samoa	1,402,805	---	1,448,522	1,448,522	1,515,027	+112,222
The emergency food assistance program	140,000	140,000	140,000	140,000	140,000	---
Total, Food stamp program	30,945,981	33,635,798	33,635,798	33,641,798	35,154,554	+4,208,573
Commodity assistance program	149,115	169,416	178,797	172,081	178,797	+29,682
Nutrition programs administration	137,488	152,227	133,742	142,592	139,937	+2,449
Total, Food and Nutrition Service	47,261,886	50,421,248	50,236,144	50,512,278	52,532,538	+5,270,652
Total, title IV, Domestic Food Programs	47,262,481	50,422,047	50,236,739	50,512,886	52,533,133	+5,270,652

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service:						
Salaries and expenses, direct appropriation.....	131,368	143,077	137,722	139,162	137,822	+6,454
(Transfer from export loans).....	(3,286)	(3,440)	(3,440)	(3,421)	(3,421)	(+135)
(Transfer from P.L. 480).....	(1,069)	(1,102)	(1,102)	(1,097)	(1,097)	(+28)
Total, Salaries and expenses program level.....	(135,723)	(147,619)	(142,264)	(143,680)	(142,340)	(+6,617)
Public Law 480 Program and Grant Accounts:						
Program account:						
Loan authorization, direct.....	(130,892)	(100,000)	(100,000)	(109,000)	(109,000)	(-21,892)
Loan subsidies.....	103,274	86,420	86,420	94,198	94,198	-9,076
Ocean freight differential grants.....	27,835	22,723	22,723	22,723	22,723	-5,112
Title II - Commodities for disposition abroad:						
Program level.....	(1,184,967)	(1,185,000)	(1,180,002)	(1,185,000)	(1,182,501)	(-2,466)
Appropriation.....	1,184,967	1,185,000	1,180,002	1,185,000	1,182,501	-2,466
Salaries and expenses:						
Foreign Agricultural Service (transfer to FAS)	1,069	1,102	1,102	1,097	1,097	+28
Farm Service Agency (transfer to FSA).....	1,053	3,119	1,269	2,937	2,937	+1,884
Subtotal.....	2,122	4,221	2,371	4,034	4,034	+1,912
Total, Public Law 480:						
Program level.....	(1,184,967)	(1,185,000)	(1,180,002)	(1,185,000)	(1,182,501)	(-2,466)
Appropriation.....	1,318,198	1,298,364	1,291,516	1,305,955	1,303,456	-14,742
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS).....	3,286	3,440	3,440	3,421	3,421	+135
Farm Service Agency (transfer to FSA).....	841	1,033	1,033	1,002	1,002	+161
Total, CCC Export Loans Program Account.....	4,127	4,473	4,473	4,423	4,423	+296
McGovern-Dole international food for education and child nutrition program grants.....	49,705	75,000	75,000	100,000	87,500	+37,795
Total, title V, Foreign Assistance and Related Programs.....	1,503,398	1,520,914	1,508,711	1,549,540	1,533,201	+29,803
(By transfer).....	(4,355)	(4,542)	(4,542)	(4,518)	(4,518)	(+163)

DIVISION A--AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation	1,378,779	1,494,517	1,462,517	1,465,267	1,461,792	+83,013
Prescription drug user fee act	(249,825)	(284,394)	(284,394)	(284,394)	(284,394)	(+34,569)
Medical device user fee act	(31,654)	(33,938)	(33,938)	(33,938)	(33,938)	(+2,284)
Animal drug user fee act	(5,000)	(8,000)	(8,000)	(8,000)	(8,354)	(+3,354)
Subtotal	(1,665,258)	(1,820,849)	(1,788,849)	(1,791,599)	(1,788,478)	(+123,220)
Mammography clinics user fee (outlay savings)	(16,576)	(16,919)	(16,919)	(16,919)	(16,919)	(+343)
Export and color certification	(6,649)	(6,838)	(6,838)	(6,838)	(6,838)	(+189)
Payments to GSA	(119,594)	(123,015)	(129,815)	(129,815)	(129,815)	(+10,221)
Buildings and facilities	6,959	---	---	---	---	-6,959
Total, Food and Drug Administration	1,385,738	1,494,517	1,462,517	1,465,267	1,461,792	+76,054
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	89,901	95,327	93,327	95,327	94,327	+4,426
Farm Credit Administration (limitation on administrative expenses)	(40,900)	---	(42,900)	(41,800)	(42,350)	(+1,450)
Total, title VI, Related Agencies and Food and Drug Administration	1,475,639	1,589,844	1,555,844	1,560,594	1,556,119	+80,480
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships	2,982	---	2,500	2,500	2,500	-482
National Sheep Industry Improvement Center revolving fund	496	---	500	2,000	1,000	+504
Tree assistance (sec. 747)	14,912	---	---	---	---	-14,912
Citrus canker compensation	---	---	---	---	30,000	+30,000
Northern Great Plains Regional Authority	1,491	---	---	2,400	1,491	---
Denali Commission	994	---	---	500	1,500	+506
Food stamp program freeze	1,988	---	---	---	---	-1,988
Milk processing and packaging facilities	---	---	---	1,000	1,000	+1,000
Alaska private lands wildlife management	---	---	---	500	500	+500
Food stamp program	---	---	6,500	---	---	---
Florida citrus promotion	---	---	---	---	6,000	+6,000
Livestock Expo Center	---	---	---	---	1,000	+1,000
Rescissions, unobligated balances Great Plains, etc	---	---	---	---	-8,000	-8,000
Wisconsin Federation of Cooperatives	---	---	---	---	2,250	+2,250
Virginia Horse Center	---	---	---	---	1,000	+1,000
Cottonseed technical correction	---	---	---	---	1,000	+1,000
Total, title VII, General provisions	22,863	---	9,500	8,900	41,241	+18,378
OTHER APPROPRIATIONS						
Consolidated Appropriations Act, 2004 (P.L.108-199) Conservation Programs						
Natural Resources Conservation Service (Sec. 102(d)):						
Emergency watershed protection program (emergency)	149,115	---	---	---	---	-149,115
Tree assistance program (emergency) (Sec. 102(e))	12,426	---	---	---	---	-12,426
Emergency conservation prog. (emergency) (Sec. 102(f))	12,426	---	---	---	---	-12,426
Commodity Credit Corporation Fund:						
Livestock indemnity prog. (emergency) (Sec.102(g))	497	---	---	---	---	-497
Total, Public Law 108-199	174,464	---	---	---	---	-174,464
Total, Other appropriations	174,464	---	---	---	---	-174,464
Grand total:						
New budget (obligational) authority	86,761,836	83,586,539	83,670,594	84,053,760	86,190,567	-571,269
Appropriations	(86,587,372)	(83,586,539)	(83,670,594)	(83,928,760)	(86,198,567)	(-388,805)
Emergency Appropriations	174,464	---	---	---	---	-174,464
Contingent emergency Appropriations	---	---	---	(125,000)	---	---
(By transfer)	(801,150)	(829,508)	(790,974)	(824,308)	(824,308)	(+23,158)
(Loan authorization)	(14,335,870)	(11,470,281)	(14,193,413)	(13,422,907)	(14,251,059)	(-84,811)
(Limitation on administrative expenses)	(150,940)	(111,922)	(154,822)	(153,722)	(154,272)	(+3,332)

DEPARTMENTS OF COMMERCE- JUSTICE- AND STATE- THE JUDICIARY- AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	105,564	186,551	75,995	141,466	124,100	+18,536
Intelligence policy and review	---	---	21,861	---	---	---
Joint automated booking system	18,974	20,309	20,000	20,185	20,185	+1,211
Automated Biometric Identification System-Integrated Identification system integration	5,046	5,054	5,054	5,054	5,054	+8
Legal activities office automation	26,749	---	16,749	70,502	40,510	+13,761
Narrowband communications	102,085	101,971	100,000	68,021	100,000	-2,085
Counterterrorism fund	989	---	---	---	---	-989
Administrative review and appeals	191,494	202,518	202,518	205,411	203,965	+12,471
Detention trustee	805,530	1,088,810	938,810	885,994	885,994	+80,464
Violence against women office	---	---	---	410,000	---	---
Office of Inspector General	60,200	63,813	63,813	63,187	63,813	+3,613
Total, General administration	1,316,631	1,669,026	1,444,800	1,869,820	1,443,621	+126,990
United States Parole Commission						
Salaries and expenses	10,498	10,650	10,650	10,638	10,638	+140
Legal Activities						
General legal activities:						
Direct appropriation	612,029	657,135	639,314	623,364	634,193	+22,164
(Transfer out)	---	---	---	(-106)	---	---
Radiation exposure compensation act	1,975	---	---	---	---	-1,975
Emergency appropriations (P.L. 108-106)	15,000	---	---	---	---	-15,000
Subtotal	629,004	657,135	639,314	623,364	634,193	+5,189
Vaccine injury compensation trust fund (permanent)	3,985	6,333	6,333	6,333	6,333	+2,348
Legal activities office automation	---	45,510	---	---	---	---
Antitrust Division	132,911	136,463	135,463	138,763	138,763	+5,852
Offsetting fee collections - current year	-112,000	-101,000	-101,000	-101,000	-101,000	+11,000
Direct appropriation	20,911	35,463	34,463	37,763	37,763	+16,852
United States Attorneys						
Salaries and expenses	1,510,193	1,547,519	1,535,000	1,532,154	1,547,519	+37,326
Interagency drug enforcement	---	---	---	295,409	---	---
Subtotal, United States Attorneys	1,510,193	1,547,519	1,535,000	1,827,563	1,547,519	+37,326
United States Trustee System Fund	166,157	174,355	172,850	174,355	173,602	+7,445
Offsetting fee collections	-158,157	-169,355	-167,850	-169,355	-168,602	-10,445
Interest on U.S. securities	-8,000	-5,000	-5,000	-5,000	-5,000	+3,000
Direct appropriation	---	---	---	---	---	---
Foreign Claims Settlement Commission	1,193	1,220	1,220	1,220	1,220	+27
United States Marshals Service:						
Salaries and expenses (non-CSE)	712,203	742,070	752,070	744,725	751,985	+39,782
Construction	13,918	1,371	1,371	---	5,734	-8,184
Total, United States Marshals Service	726,121	743,441	753,441	744,725	757,719	+31,598
Fees and expenses of witnesses	156,145	177,585	177,585	177,585	177,585	+21,440
Community Relations Service	9,426	9,833	9,833	9,494	9,664	+238
Assets forfeiture fund	21,530	21,759	21,759	21,759	21,759	+229
Payment to radiation exposure compensation trust fund	---	72,000	72,000	---	27,800	+27,800
Total, Legal activities	3,078,508	3,317,798	3,250,948	3,449,806	3,221,555	+143,047
Interagency Law Enforcement						
Interagency crime and drug enforcement	---	580,632	561,033	---	561,033	+561,033
Federal Bureau of Investigation						
Salaries and expenses	4,033,796	4,563,921	4,289,028	3,973,728	4,188,028	+154,232
(Transfer out)	---	---	---	(-2,863)	---	---
Counterintelligence and national security	484,947	495,000	916,000	1,017,000	1,017,000	+532,053
Direct appropriation	4,518,743	5,058,921	5,205,028	4,990,728	5,205,028	+686,285
Foreign terrorist tracking task force	60,949	56,349	---	120,819	---	-60,949

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	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Construction	11,056	---	10,242	---	10,242	-814
Total, Federal Bureau of Investigation	4,590,748	5,115,270	5,215,270	5,111,547	5,215,270	+624,522
Drug Enforcement Administration						
Salaries and expenses	1,703,038	1,815,719	1,815,719	1,799,243	1,807,481	+104,443
(Transfer out)	---	---	---	(-10,153)	---	---
(By transfer)	---	---	---	(1,500)	---	---
Diversion control fund	-118,561	-154,216	-154,216	-154,216	-154,216	-35,655
Subtotal	1,584,477	1,661,503	1,661,503	1,645,027	1,653,265	+68,788
Interagency drug enforcement	550,609	---	---	---	---	-550,609
Total, Drug Enforcement Administration	2,135,086	1,661,503	1,661,503	1,645,027	1,653,265	-481,821
Bureau of Alcohol, Tobacco and Firearms	827,289	870,357	870,357	890,357	890,357	+63,068
(Transfer out)	---	---	---	(-106)	---	---
Rescission	---	-1,500	---	---	---	---
Total, Bureau of Alcohol, Tobacco and Firearms	827,289	868,857	870,357	890,357	890,357	+63,068
Federal Prison System						
Salaries and expenses	4,414,313	4,706,232	4,567,232	4,627,696	4,627,696	+213,383
Buildings and facilities	393,515	---	189,000	189,000	189,000	-204,515
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,393	3,429	3,429	3,393	3,411	+18
Total, Federal Prison System	4,811,221	4,709,661	4,759,661	4,820,089	4,820,107	+8,886
Office of Justice Programs						
Justice assistance	188,124	1,710,664	217,000	210,875	227,900	+39,776
(By transfer)	(6,632)	---	---	(6,632)	---	(-6,632)
Rescission	---	-53,471	---	---	---	---
Total, Office of Justice Programs	188,124	1,657,193	217,000	210,875	227,900	+39,776
State and local law enforcement assistance:						
Local law enforcement block grant	222,633	---	---	150,000	---	-222,633
Boys and Girls clubs (earmark)	(79,628)	---	---	(85,000)	---	(-79,628)
National Institute of Justice (earmark)	(9,953)	---	---	(10,000)	---	(-9,953)
USA FREEDOM corps (earmark)	(2,967)	---	---	---	---	(-2,967)
Justice assistance grants	---	---	634,000	---	634,000	+634,000
Boys and Girls clubs (earmark)	---	---	(80,000)	---	(85,000)	(+85,000)
National Institute of Justice (earmark)	---	---	(15,000)	---	(10,000)	(+10,000)
USA FREEDOM corps (earmark)	---	---	(5,000)	---	(2,500)	(+2,500)
Indian assistance	14,842	---	15,000	18,000	18,000	+3,158
Tribal prison construction	(1,991)	---	(2,000)	---	(5,000)	(+3,009)
Indian tribal courts program	(7,963)	---	(8,000)	---	(8,000)	(+37)
Indian grants	(4,977)	---	(5,000)	---	(5,000)	(+23)
State criminal alien assistance program	296,843	---	325,000	250,000	305,000	+8,157
Southwest border prosecutors	---	---	---	---	30,000	+30,000
(Earmark)	---	---	---	(30,000)	---	---
Cooperative agreement program	1,979	---	---	---	---	-1,979
Byrne grants (formula)	494,739	---	---	500,000	---	-494,739
Byrne grants (discretionary)	157,443	---	110,000	117,969	170,027	+12,584
Miscellaneous appropriations (P.L. 108-199)	49,705	---	---	---	---	-49,705
Drug courts	38,095	---	50,000	40,000	40,000	+1,905
Other crime control programs	3,851	---	3,862	5,950	5,983	+2,132
Assistance for victims of trafficking	9,894	---	10,000	---	10,000	+106
Prescription drug monitoring	6,926	---	10,000	---	10,000	+3,074
Prison rape prevention	36,784	---	52,175	---	37,000	+216
State prison drug treatment	---	---	35,000	25,000	25,000	+25,000
Intelligence sharing	---	---	10,000	11,000	10,500	+10,500
Miscellaneous appropriations (P.L. 108-199)	2,237	---	---	---	---	-2,237
Emergency appropriations (P.L. 108-287)	50,000	---	---	---	---	-50,000
Total, State and local law enforcement	1,385,971	---	1,255,037	1,117,919	1,295,510	-90,461
Weed and seed program fund	57,926	---	51,169	62,000	62,000	+4,074
Community oriented policing services:						
COPS enhancement grants	---	---	113,000	---	---	---
Hiring	118,737	---	---	180,000	10,000	-108,737
Training and technical assistance	---	17,625	---	20,000	15,000	+15,000
Bullet proof vests	24,737	---	25,000	25,000	25,000	+263
Tribal law enforcement	24,737	20,000	---	20,000	20,000	-4,737
Meth hot spots	53,482	20,000	60,000	55,000	52,556	-926

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	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Police corps	14,842	---	20,000	15,000	15,000	+158
COPS technology	156,740	---	130,000	110,969	138,615	-18,125
Interoperable communications	84,106	1,550	---	100,000	100,000	+15,894
Criminal records upgrade	29,684	---	50,000	---	25,000	-4,684
DNA backlog/crime lab	98,948	---	175,788	100,000	110,000	+11,052
Paul Coverdell forensics science	9,894	---	---	20,000	15,000	+5,106
Crime identification technology	23,971	---	---	35,000	28,450	+4,479
Gun violence reduction	29,684	---	30,000	15,000	---	-29,684
Southwest border prosecutors	29,684	---	40,000	---	---	-29,684
Offender reentry	4,948	---	15,000	5,000	10,000	+5,052
Safe schools initiative	4,552	---	---	5,000	4,325	-227
Police integrity grants	9,894	10,000	---	15,000	7,500	-2,394
Management and administration	29,684	27,914	27,914	35,000	30,000	+316
Rescission	---	-53,471	---	---	---	---
Total, Community oriented policing services	748,324	43,618	686,702	755,969	606,446	-141,878
Violence against women office	383,551	362,477	383,551	---	387,275	+3,724
Juvenile justice programs	348,989	---	349,000	360,000	384,177	+35,188
(Transfer out)	(-6,632)	---	---	(-6,632)	---	(+6,632)
Public safety officers benefits:						
Death benefits	49,054	63,054	63,054	63,054	63,054	+14,000
Disability and education benefits	2,968	---	6,460	6,410	6,410	+3,442
Total, Public safety officers benefits program	52,022	63,054	69,514	69,464	69,464	+17,442
Total, Office of Justice Programs	3,164,907	2,126,342	3,011,973	2,576,227	3,032,772	-132,135
United States Attorneys (sec. 111)	14,842	---	---	---	---	-14,842
United States Attorneys (Sec. 107)	---	---	---	15,000	15,000	+15,000
Local law enforcement block grant (sec. 113)	544	---	---	544	---	-544
Rescission (sec. 114)	-100,000	---	---	---	---	+100,000
Total, title I, Department of Justice	19,850,274	20,059,739	20,786,195	20,389,055	20,863,618	+1,013,344
Appropriations	(19,885,274)	(20,168,181)	(20,786,195)	(20,389,055)	(20,863,618)	(+978,344)
Emergency appropriations	(65,000)	---	---	---	---	(-65,000)
Rescission	(-100,000)	(-108,442)	---	---	---	(+100,000)
(Transfer out)	(-6,632)	---	---	(-19,860)	---	(+6,632)
(By transfer)	(6,632)	---	---	(8,132)	---	(-6,632)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
RELATED AGENCIES						
Office of the United States Trade Representative						
Salaries and expenses	41,552	39,552	41,552	41,552	41,552	---
(By transfer)	---	---	---	(5,000)	---	---
National Intellectual Property Law Enforcement Coordinating Council						
Salaries and expenses	---	---	---	20,000	2,000	+2,000
(Transfer out)	---	---	---	(-5,000)	---	---
(Transfer out)	---	---	---	(-1,000)	---	---
International Trade Commission						
Salaries and expenses	57,682	61,700	61,700	61,700	61,700	+4,018
Total, Related agencies	99,234	101,252	103,252	123,252	105,252	+6,018
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	391,102	401,513	401,513	401,513	401,513	+10,411
(Transfer out)	---	---	---	(-4,539)	---	---
Offsetting fee collections	-13,000	-8,000	-8,000	-8,000	-8,000	+5,000
Direct appropriation	378,102	393,513	393,513	393,513	393,513	+15,411

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	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Bureau of Industry and Security						
Operations and administration	60,358	76,516	61,265	70,872	61,193	+835
CWC enforcement	7,128	---	7,128	---	7,200	+72
Total, Bureau of Industry and Security	67,486	76,516	68,393	70,872	68,393	+907
Economic Development Administration						
Economic development assistance programs	285,083	289,762	289,762	285,083	257,423	-27,660
Salaries and expenses	30,244	30,565	30,565	30,400	30,483	+239
Total, Economic Development Administration	315,327	320,327	320,327	315,483	287,906	-27,421
Minority Business Development Agency						
Minority business development	28,556	34,461	28,899	31,555	29,899	+1,343
Total, Trade and Infrastructure Development	888,705	926,069	914,384	934,675	884,963	-3,742
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	74,211	88,400	78,211	81,764	80,000	+5,789
Bureau of the Census						
Salaries and expenses	192,761	220,425	202,765	174,304	198,765	+6,004
Periodic censuses and programs	431,464	608,171	571,116	431,464	556,116	+124,652
Total, Bureau of the Census	624,225	828,596	773,881	605,768	754,881	+130,656
National Telecommunications and Information Administration						
Salaries and expenses	14,450	22,101	15,282	21,583	17,433	+2,983
Public telecommunications facilities, planning and construction	21,769	2,538	2,538	21,769	21,769	---
Information infrastructure grants	14,842	---	---	14,842	---	-14,842
Total, National Telecommunications and Information Administration	51,061	24,639	17,820	58,194	39,202	-11,859
United States Patent and Trademark Office						
Current year fee funding	1,222,460	1,314,653	1,314,653	1,336,000	1,336,000	+113,540
Spending from new fees (proposed legislation)	---	208,754	208,754	208,754	208,754	+208,754
Total, Patent and Trademark Office	1,222,460	1,523,407	1,523,407	1,544,754	1,544,754	+322,294
Offsetting fee collections	-1,222,460	-1,314,653	-1,314,653	-1,336,000	-1,336,000	-113,540
Total, Economic and Information Infrastructure	749,497	1,150,389	1,078,666	954,480	1,082,837	+333,340
SCIENCE AND TECHNOLOGY						
Technology Administration						
Office of Technology Policy						
Salaries and expenses	6,343	8,294	6,547	6,407	6,547	+204
National Institute of Standards and Technology						
Scientific and technical research and services	340,743	413,886	366,856	383,892	383,892	+43,149
(Transfer out)	---	---	---	(-14,800)	---	---
Industrial technology services	216,480	39,190	106,000	315,000	251,300	+34,820
Construction of research facilities	64,271	59,411	43,132	86,071	73,500	+9,229
Working capital fund	---	8,982	8,982	---	---	---
(By transfer)	---	---	---	(14,800)	---	---
Total, National Institute of Standards and Technology	621,494	521,469	524,970	784,963	708,692	+87,198
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	2,658,251	2,377,841	2,245,000	---	2,804,065	+145,814
Operations, research, facilities, and systems acquisition	---	---	---	4,049,646	---	---
(By transfer from Promote and Develop Fund)	(62,000)	(79,000)	(79,000)	(57,000)	(65,000)	(+3,000)

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	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
By transfer from Coastal zone management	---	3,000	---	3,000	3,000	+3,000
Deobligations returned	-15,000	---	---	---	---	+15,000
Total, Operations, research, and facilities	2,643,251	2,380,841	2,245,000	4,052,646	2,807,065	+163,814
Procurement, acquisition and construction	979,708	898,510	840,000	---	1,053,436	+73,728
Pacific coastal salmon recovery	89,052	100,000	80,000	99,000	90,000	+948
Coastal zone management fund	-3,000	-3,000	-3,000	-3,000	-3,000	---
Fishermen's contingency fund	---	956	---	956	499	+499
Foreign fishing observer fund	---	191	---	191	---	---
Fisheries finance program account	-8,000	-4,000	-4,000	-8,000	-8,000	---
Total, National Oceanic and Atmospheric Administration	3,701,011	3,373,498	3,158,000	4,141,793	3,940,000	+238,989
Total, Science and Technology	4,328,848	3,903,261	3,689,517	4,933,163	4,655,239	+326,391
Departmental Management						
Salaries and expenses	46,791	56,021	52,109	55,550	48,109	+1,318
Travel and tourism	---	---	---	20,000	10,000	+10,000
Office of Inspector General	20,894	22,249	22,249	21,071	21,660	+766
Total, Departmental management	67,685	78,270	74,358	96,621	79,769	+12,084
EDA conveyance (sec. 209)	989	---	---	---	---	-989
Procurement, acquisition and construction (sec. 212)	6,065	---	---	---	---	-6,065
Lobster (sec. 213)	495	---	---	---	---	-495
Non-pollock west coast groundfish (sec. 214)	495	---	---	---	---	-495
Alaska Purse Seine (Sec. 209)	---	---	---	200	---	---
Florida grouper (sec. 218)	---	---	---	---	350	+350
Total, Department of Commerce	5,943,545	5,956,737	5,653,673	6,795,887	6,597,906	+654,361
Rescission (sec. 215)	-100,000	---	---	---	---	+100,000
Total, title II, Department of Commerce and related agencies	5,942,779	6,057,989	5,756,925	6,919,139	6,703,158	+760,379
Appropriations	(6,042,779)	(6,057,989)	(5,756,925)	(6,919,139)	(6,703,158)	(+660,379)
Rescission	(-100,000)	---	---	---	---	(+100,000)
(By transfer)	(62,000)	(79,000)	(79,000)	(76,800)	(65,000)	(+3,000)
(Transfer out)	---	---	---	(-25,339)	---	---
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,896	1,985	1,985	1,985	1,985	+89
Other salaries and expenses	52,901	56,137	56,137	56,137	56,137	+3,236
Total, Salaries and expenses	54,797	58,122	58,122	58,122	58,122	+3,325
Care of the building and grounds	10,480	10,579	9,979	10,579	9,979	-501
Miscellaneous appropriations (P.L. 108-199)	15,906	---	---	---	---	-15,906
Total, Supreme Court of the United States	81,183	68,701	68,101	68,701	68,101	-13,082
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	2,237	2,257	2,257	2,257	2,257	+20
Other salaries and expenses	18,231	22,750	20,679	18,367	19,523	+1,292
Total, Salaries and expenses	20,468	25,007	22,936	20,624	21,780	+1,312
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,721	1,757	1,757	1,757	1,757	+36
Other salaries and expenses	12,217	13,316	13,131	12,303	13,131	+914
Total, Salaries and expenses	13,938	15,073	14,888	14,060	14,888	+950

DEPARTMENTS OF COMMERCE- JUSTICE- AND STATE- THE JUDICIARY- AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	274,504	289,877	289,877	289,877	289,877	+15,373
Other salaries and expenses	3,680,532	4,030,367	3,887,367	3,841,610	3,887,367	+206,835
Direct appropriation	3,955,036	4,320,244	4,177,244	4,131,487	4,177,244	+222,208
Vaccine Injury Compensation Trust Fund	3,159	3,471	3,471	3,159	3,298	+139
Defender services	598,116	681,612	676,469	648,116	676,385	+78,269
Emergency appropriations (P.L. 108-287)	26,000	---	---	---	---	-26,000
Fees of jurors and commissioners	57,213	62,800	62,800	62,800	61,535	+4,322
Court security	274,580	383,282	379,580	274,653	332,000	+57,420
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,914,104	5,451,409	5,299,564	5,120,215	5,250,462	+336,358
Administrative Office of the United States Courts						
Salaries and expenses	65,305	72,154	68,635	67,249	68,200	+2,895
Federal Judicial Center						
Salaries and expenses	21,214	22,126	21,737	21,670	21,737	+523
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	29,000	36,700	36,700	36,700	36,700	+7,700
United States Sentencing Commission						
Salaries and expenses	12,224	13,456	13,304	12,404	13,304	+1,080
Total, title III, the Judiciary	5,157,436	5,704,626	5,545,865	5,361,623	5,495,172	+337,736
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	3,384,013	3,626,343	3,580,000	3,493,053	3,570,000	+185,987
(Transfer out)	(-4,000)	(-4,000)	(-4,000)	(-5,500)	(-4,000)	---
(By transfer)	---	---	---	(1,000)	---	---
Worldwide security upgrades	639,896	658,701	658,701	658,702	658,702	+18,806
Worldwide IT infrastructure	39,579	---	40,000	---	---	-39,579
Emergency appropriations (P.L. 108-106)	120,500	---	---	---	---	-120,500
Emergency appropriations (P.L. 108-287)	665,300	---	---	---	---	-665,300
Total, Diplomatic and consular programs	4,849,288	4,285,044	4,278,701	4,151,755	4,228,702	-620,586
Capital investment fund	79,158	155,100	100,000	52,149	52,149	-27,009
Centralized IT modernization program	---	---	---	102,951	77,851	+77,851
Office of Inspector General	31,370	30,435	30,435	31,435	30,435	-935
Educational and cultural exchange programs	316,633	345,346	345,346	360,750	360,750	+44,117
Representation allowances	8,905	8,640	8,640	8,640	8,640	-265
Protection of foreign missions and officials	9,894	9,600	9,894	5,000	9,894	---
Embassy security, construction, and maintenance	524,423	626,680	611,680	509,728	611,680	+87,257
Worldwide security upgrades	852,335	912,320	912,320	867,030	912,320	+59,985
(By transfer)	---	---	---	(17,767)	---	---
Emergency appropriations (P.L. 108-106)	43,900	---	---	---	---	-43,900
Emergency appropriations (P.L. 108-287)	20,000	---	---	---	---	-20,000
Emergencies in the diplomatic and consular service	989	7,000	7,000	1	1,000	+11
(By transfer)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	---
(Transfer out)	(-1,000)	(-1,000)	(-1,000)	(-1,000)	---	(+1,000)
Emergency appropriations (P.L. 108-106)	115,500	---	---	---	---	-115,500
Repatriation Loans Program Account:						
Direct loans subsidy	605	612	612	612	612	+7
Administrative expenses	600	607	607	607	607	+7
(By transfer)	(1,000)	(1,000)	(1,000)	(1,000)	---	(-1,000)
Total, Repatriation loans program account	1,205	1,219	1,219	1,219	1,219	+14
Payment to the American Institute in Taiwan	18,585	19,482	19,482	19,482	19,482	+897
Payment to the Foreign Service Retirement and Disability Fund	134,979	132,600	132,600	132,600	132,600	-2,379
Total, Administration of Foreign Affairs	7,007,164	6,533,466	6,457,317	6,242,740	6,446,722	-560,442

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
International Organizations						
Contributions to international organizations, current year assessment	999,830	1,194,210	1,194,210	1,020,830	1,182,000	+182,170
Contributions for international peacekeeping activities, current year	450,056	650,000	650,000	574,000	490,000	+39,944
Emergency appropriations (P.L. 108-106)	245,000	---	---	---	---	-245,000
Total, International Organizations and Conferences	1,694,886	1,844,210	1,844,210	1,594,830	1,672,000	-22,886
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	25,726	30,300	26,800	27,689	27,244	+1,518
Construction	3,513	8,545	4,475	6,146	5,310	+1,797
American sections, international commissions	8,849	10,756	9,356	10,546	9,594	+745
International fisheries commissions	19,097	20,800	19,097	21,982	21,982	+2,885
Total, International commissions	57,185	70,401	59,728	66,363	64,130	+6,945
Other						
Payment to the Asia Foundation	12,864	8,880	13,000	---	13,000	+136
International Center for Middle Eastern-Western dialogue	6,926	---	---	7,000	7,000	+74
Eisenhower Exchange Fellowship program	495	500	500	500	500	+5
Israeli Arab scholarship program	371	375	375	375	375	+4
East-West Center	17,692	13,709	5,000	19,500	19,500	+1,808
National Endowment for Democracy	39,579	80,000	40,579	50,000	60,000	+20,421
Total, Department of State	8,837,162	8,551,541	8,420,709	7,981,308	8,283,227	-553,935
RELATED AGENCY						
Broadcasting Board of Governors						
International Broadcasting Operations	540,292	533,111	601,740	552,240	591,000	+50,708
Emergency appropriations (P.L. 108-106)	40,000	---	---	---	---	-40,000
Broadcasting to Cuba	---	27,629	---	---	---	---
Broadcasting capital improvements	11,275	8,560	8,560	8,560	8,560	-2,715
Total, Broadcasting Board of Governors	591,567	569,300	610,300	560,800	599,560	+7,993
Total, title IV, Department of State and Related Agency	9,428,729	9,120,841	9,031,009	8,542,108	8,882,787	-545,942
Appropriations	(8,178,529)	(9,120,841)	(9,031,009)	(8,542,108)	(8,882,787)	(+704,258)
Emergency appropriations	(1,250,200)	---	---	---	---	(-1,250,200)
(Transfer out)	(-5,000)	(-5,000)	(-5,000)	(-6,500)	(-4,000)	(+1,000)
(By transfer)	(5,000)	(5,000)	(5,000)	(23,767)	(4,000)	(-1,000)
TITLE V - RELATED AGENCIES						
Antitrust Modernization Commission						
Salaries and expenses	1,187	1,200	1,200	---	1,187	---
Commission on the Abraham Lincoln Study Abroad Fellowship Program						
Salaries and expenses (P.L. 108-199)	497	---	---	---	---	-497
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	491	499	499	491	499	+8
Commission on Civil Rights						
Salaries and expenses	9,001	9,096	9,096	9,096	9,096	+95
Commission on International Religious Freedom						
Salaries and expenses	2,968	3,000	3,000	---	3,000	+32
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,598	1,831	1,831	1,598	1,831	+233

DEPARTMENTS OF COMMERCE- JUSTICE- AND STATE- THE JUDICIARY- AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Congressional-Executive Commission on the People's Republic of China						
Salaries and expenses	1,781	1,900	1,900	1,781	1,900	+119
Equal Employment Opportunity Commission						
Salaries and expenses	324,944	350,754	334,944	327,511	331,228	+6,284
Federal Communications Commission						
Salaries and expenses	273,947	292,958	279,851	282,346	281,098	+7,151
Offsetting fee collections - current year	-272,958	-272,958	-272,958	-281,346	-280,098	-7,140
Direct appropriation	989	20,000	6,893	1,000	1,000	+11
Federal Trade Commission						
Salaries and expenses	185,505	205,430	203,430	207,730	205,430	+19,925
Offsetting fee collections - current year	-112,000	-101,000	-101,000	-101,000	-101,000	+11,000
Offsetting fee collections, telephone database	-23,100	-20,000	-21,901	-20,000	-21,901	+1,199
Direct appropriation	50,405	84,430	80,529	86,730	82,529	+32,124
HELP Commission						
Salaries and expenses	2,968	---	1,000	---	1,000	-1,968
Legal Services Corporation						
Payment to the Legal Services Corporation	335,282	329,300	335,282	335,000	335,282	---
Marine Mammal Commission						
Salaries and expenses	1,836	1,890	1,890	1,890	1,890	+54
National Veterans Business Development Corporation						
National Veterans Business Development Corporation	1,979	2,000	2,000	2,000	2,000	+21
Securities and Exchange Commission						
Salaries and expenses	811,500	913,000	913,000	913,000	913,000	+101,500
Prior year unobligated balances	-120,000	-20,000	-20,000	-20,000	-57,000	+63,000
Direct appropriation	691,500	893,000	893,000	893,000	856,000	+164,500
Small Business Administration						
Salaries and expenses	322,322	326,259	315,362	357,684	322,335	+13
Miscellaneous appropriations (P.L. 108-199)	497	---	---	---	---	-497
Office of Inspector General	12,864	14,500	14,500	13,014	13,014	+150
Surety bond guarantees revolving fund	---	11,400	9,900	11,400	2,900	+2,900
Business Loans Program Account:						
Direct loans subsidy	1,890	---	---	---	1,455	-435
Guaranteed loans subsidy	78,299	---	---	71,910	---	-78,299
Administrative expenses	126,653	129,000	207,132	129,000	126,653	---
Total, Business loans program account	206,842	129,000	207,132	200,910	128,108	-78,734
Disaster Loans Program Account:						
Direct loans subsidy	55,597	78,887	78,887	65,000	---	-55,597
Administrative expenses	113,159	118,354	117,000	113,909	113,159	---
Gainsharing	---	---	---	---	---	---
Total, Disaster loans program account	168,756	197,241	195,887	178,909	113,159	-55,597
Total, Small Business Administration	711,281	678,400	742,781	761,917	579,516	-131,765
State Justice Institute						
Salaries and expenses	2,227	---	2,227	3,000	2,613	+386

DEPARTMENTS OF COMMERCE- JUSTICE- AND STATE- THE JUDICIARY- AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
United States - China Economic and Security Review Commission						
Salaries and expenses	1,979	2,000	3,000	2,300	3,000	+1,021
United States Senate-China Interparliamentary Group						
Salaries and expenses	---	---	---	100	100	+100
United States Institute of Peace						
Operating expenses	17,099	22,099	23,000	---	23,000	+5,901
Emergency supplemental appropriations (P.L. 108-106)	10,000	---	---	---	---	-10,000
Total, United States Institute of Peace	27,099	22,099	23,000	---	23,000	-4,099
Total, title V, Related agencies	2,170,012	2,401,399	2,444,072	2,427,414	2,236,671	+66,659
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working Capital fund (rescission)	-67,326	-60,000	---	---	-60,000	+7,326
Counterterrorism fund (rescission)	-40,000	---	---	---	---	+40,000
Legal Activities						
Assets forfeiture fund (rescission)	-61,608	---	---	---	-61,800	-192
Federal Prison System						
Buildings and facilities (rescission)	-51,895	-55,000	---	---	---	+51,895
Office of Justice Programs						
Justice assistance (rescission)	---	---	---	---	-1,619	-1,619
State & local law enforcement assistance (rescission)	-21,600	---	-20,000	---	-29,380	-7,780
Community oriented policing services (rescission)	-6,378	---	-61,000	---	-99,000	-92,622
Juvenile justice programs (rescission)	-15,900	---	---	---	-3,500	+12,400
DEPARTMENT OF COMMERCE						
National Institute of Standards and Technology						
Industrial technology services (rescission)	---	---	---	---	-3,900	-3,900
National Oceanic and Atmostpheric Administration						
NERRS construction (rescission)	-2,500	---	---	---	---	+2,500
Departmental Management						
Emergency steel guaranteed loan program account (rescission)	---	-13,000	---	---	---	---
Travel and tourism (rescission)	-40,000	---	---	---	---	+40,000
RELATED AGENCIES						
Federal Communications Commission						
Salaries and expenses (rescission)	---	---	---	---	-12,000	-12,000
Across-the-board cut (.54%) (rescission) (sec. 640)	---	---	---	---	-229,000	-229,000

DEPARTMENTS OF COMMERCE- JUSTICE- AND STATE- THE JUDICIARY- AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Department of Justice:						
Working capital fund (rescission) (Sec. 627).....	---	---	---	-44,000	---	---
Asset forfeiture fund (rescission) (Sec. 628).....	---	---	---	-30,000	---	---
Unobligated balances (rescission) (Sec. 629).....	---	---	---	-98,125	---	---
Total, title VII, Rescissions.....	-307,207	-128,000	-81,000	-172,125	-500,199	-192,992
Grand total:						
New budget (obligational) authority.....	42,242,023	43,216,594	43,483,066	43,467,214	43,681,207	+1,439,184
Appropriations.....	(41,424,030)	(43,453,036)	(43,564,066)	(43,639,339)	(44,181,406)	(+2,757,376)
Emergency appropriations.....	(1,325,200)	---	---	---	---	(-1,325,200)
Rescissions.....	(-507,207)	(-236,442)	(-81,000)	(-172,125)	(-500,199)	(+7,008)
(Transfer out).....	(-11,632)	(-5,000)	(-5,000)	(-51,699)	(-4,000)	(+7,632)
(By transfer).....	(73,632)	(84,000)	(84,000)	(108,699)	(69,000)	(-4,632)

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations	116,259	90,500	149,000	144,500	+28,241
Construction, general	1,712,157	1,421,500	1,876,680	1,796,089	+83,932
Miscellaneous appropriations (P.L. 108-199)	13,669	---	---	---	-13,669
Miscellaneous appropriations (P.L. 108-199)	22,268	---	---	---	-22,268
Rescissions	---	-94,000	---	---	---
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	322,309	270,000	325,000	324,500	+2,191
Rescissions	---	-5,000	---	---	---
Operation and maintenance, general	1,956,314	1,931,000	1,982,000	1,959,101	+2,787
Regulatory program	139,174	150,000	140,000	145,000	+5,826
FUSRAP	139,174	140,000	190,000	165,000	+25,826
Flood control and coastal emergencies	---	50,000	---	---	---
Rescissions	---	-1,000	---	---	---
General expenses	159,056	167,000	167,000	167,000	+7,944
Office of Assistant Secretary of the Army	---	---	2,600	4,000	+4,000
Total, title I, Department of Defense - Civil	4,580,380	4,120,000	4,832,280	4,705,190	+124,810
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	26,880	30,806	30,806	30,806	+3,926
Fish, wildlife, and recreation mitigation and conservation	9,367	15,469	15,469	15,469	+6,102
Subtotal	36,247	46,275	46,275	46,275	+10,028
Program oversight and administration	1,718	1,734	1,734	1,734	+16
Total, Central Utah project completion account	37,965	48,009	48,009	48,009	+10,044
Bureau of Reclamation					
Water and related resources	852,439	794,476	860,305	859,481	+7,042
Loan program	199	---	---	---	-199
Central Valley project restoration fund	39,366	54,695	54,695	54,695	+15,329
California Bay-Delta restoration	---	15,000	---	---	---
Working capital fund (rescission)	-4,525	---	---	---	+4,525
Policy and administration	55,197	58,153	58,153	58,153	+2,956
Total, Bureau of Reclamation	942,676	922,324	973,153	972,329	+29,653
Total, title II, Department of the Interior	980,641	970,333	1,021,162	1,020,338	+39,697
TITLE III - DEPARTMENT OF ENERGY					
Energy supply	733,190	835,266	817,126	946,272	+213,082
Miscellaneous appropriations (P.L. 108-199)	4,971	---	---	---	-4,971
Non-defense site acceleration completion	162,411	151,850	151,850	151,850	-10,561
Uranium enrichment decontamination and decommissioning fund	414,027	500,200	500,200	499,007	+84,980
Non-defense environmental services	337,465	291,296	291,296	291,296	-46,169
Science	3,431,335	3,431,718	3,599,964	3,628,902	+197,567
Miscellaneous appropriations (P.L. 108-199)	50,948	---	---	---	-50,948
Nuclear Waste Disposal	188,879	749,000	---	346,000	+157,121
Departmental administration	215,255	261,873	243,876	240,426	+25,171
Miscellaneous revenues	-123,000	-122,000	-122,000	-122,000	+1,000
Net appropriation	92,255	139,873	121,876	118,426	+26,171
Office of the Inspector General	39,229	41,508	41,508	41,508	+2,279
Atomic Energy Defense Activities					
National Nuclear Security Administration:					
Weapons activities	6,235,502	6,568,453	6,514,424	6,226,471	-9,031
Transfer from Department of Defense approps	---	---	---	(300,000)	(+300,000)
Total, Weapons activities (program level)	(6,235,502)	(6,568,453)	(6,514,424)	(6,526,471)	(+290,969)

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Conference	Conference vs. Enacted
Defense nuclear nonproliferation	1,319,779	1,348,647	1,348,647	1,420,397	+100,618
Naval reactors	761,878	797,900	807,900	807,900	+46,022
Office of the Administrator	337,974	333,700	356,200	356,200	+18,226
Subtotal, National Nuclear Security Administration	8,655,133	9,048,700	9,027,171	8,810,968	+155,835
Defense site acceleration completion	5,617,719	5,620,837	5,930,837	5,804,479	+186,760
High-level waste (Waste Incidental to Reprocessing) (legislative proposal)	---	350,000	---	291,950	+291,950
Subtotal, Defense site acceleration completion	5,617,719	5,970,837	5,930,837	6,096,429	+478,710
Defense environmental services	985,296	982,470	957,976	937,976	-47,320
Defense environmental management privatization (rescission)	-15,329	---	---	---	+15,329
Subtotal, Defense environmental management	6,587,686	6,953,307	6,888,813	7,034,405	+446,719
Other defense activities	670,510	663,636	697,059	692,691	+22,181
Defense nuclear waste disposal	387,699	131,000	131,000	231,000	-156,699
Total, Atomic Energy Defense Activities	16,301,028	16,796,643	16,744,043	16,769,064	+468,036
Power Marketing Administrations					
Operation and maintenance, Southeastern Power Administration	4,869	5,200	5,200	5,200	+331
Operation and maintenance, Southwestern Power Administration	28,420	29,352	29,352	29,352	+932
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	175,778	173,100	173,100	173,100	-2,678
Falcon and Amistad operating and maintenance fund	2,624	2,827	2,827	2,827	+203
Total, Power Marketing Administrations	211,691	210,479	210,479	210,479	-1,212
Federal Energy Regulatory Commission					
Salaries and expenses	203,194	210,000	210,000	210,000	+6,806
Revenues applied	-203,194	-210,000	-210,000	-210,000	-6,806
Total, title III, Department of Energy	21,967,429	23,147,833	22,478,342	23,002,804	+1,035,375
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	65,611	66,000	38,500	66,000	+389
Defense Nuclear Facilities Safety Board	19,444	20,268	20,268	20,268	+824
Delta Regional Authority	4,971	2,096	2,096	6,048	+1,077
Denali Commission	54,676	2,500	---	67,000	+12,324
Nuclear Regulatory Commission:					
Salaries and expenses	618,328	662,777	662,777	662,777	+44,449
Revenues	-538,844	-534,354	-534,354	-534,354	+4,490
Subtotal	79,484	128,423	128,423	128,423	+48,939
Office of Inspector General	7,297	7,518	7,518	7,518	+221
Revenues	-6,716	-6,766	-6,766	-6,766	-50
Subtotal	581	752	752	752	+171
Total, Nuclear Regulatory Commission	80,065	129,175	129,175	129,175	+49,110
Nuclear Waste Technical Review Board	3,158	3,177	3,177	3,177	+19
Tennessee Valley Authority:					
Office of Inspector General	---	9,000	---	---	---
Total, title IV, Independent agencies	227,925	232,216	193,216	291,668	+63,743
Grand total:					
New budget (obligational) authority	27,756,375	28,470,382	28,525,000	29,020,000	+1,263,625
Appropriations	(27,776,229)	(28,570,382)	(28,525,000)	(29,020,000)	(+1,243,771)
Rescissions	(-19,854)	(-100,000)	---	---	(+19,854)

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Decontamination and Decommiss. Fund	-452,000	-463,000	-463,000	-463,000	-11,000
Departmental Administration Revenues	---	---	---	---	---
Central Valley project collections	-31,000	-46,000	-46,000	-46,000	-15,000
Power marketing fund (WAPA)	-22,000	-23,000	-23,000	-23,000	-1,000
Indian Water Rights (Sec. 215)	2,088	---	---	---	-2,088
Across the board reduction (P.L. 108-199)	---	---	---	---	---
Total, adjustments	-502,912	-532,000	-532,000	-532,000	-29,088
Total (including adjustments)	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
Amounts in this bill	(27,756,375)	(28,470,382)	(28,525,000)	(29,020,000)	(+1,263,625)
Scorekeeping adjustments	(-502,912)	(-532,000)	(-532,000)	(-532,000)	(-29,088)
Prior year outlays (including supplementals)	---	---	---	---	---
Total mandatory and discretionary	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
Discretionary	(27,253,463)	(27,938,382)	(27,993,000)	(28,488,000)	(+1,234,537)
Discretionary (prior year)	---	---	---	---	---
Discretionary (total)	(27,253,463)	(27,938,382)	(27,993,000)	(28,488,000)	(+1,234,537)
RECAP BY FUNCTION					
General purpose discretionary:					
Defense	16,459,646	16,956,911	16,956,911	16,958,332	+498,686
Prior year outlays	---	---	---	---	---
Total, Defense	16,459,646	16,956,911	16,956,911	16,958,332	+498,686
Nondefense	10,793,817	10,981,471	11,036,089	11,529,668	+735,851
Prior year outlays	---	---	---	---	---
Total, Nondefense	10,793,817	10,981,471	11,036,089	11,529,668	+735,851
Subtotal, General purpose discretionary	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
Prior year outlays	---	---	---	---	---
Total, General purpose discretionary	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
Grand total, Mandatory and Discretionary	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
DISCRETIONARY 302B ALLOCATION					
GENERAL PURPOSE	27,253,463	27,938,382	27,993,000	28,488,000	+1,234,537
302B ALLOCATION	27,166,765	---	27,993,000	28,488,000	+1,321,235
OVER/UNDER	86,698	27,938,382	---	---	-86,698

Conference Report
(Amounts in thousands)

		FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted	
400	TITLE I - DEPARTMENT OF DEFENSE - CIVIL							400
500	DEPARTMENT OF THE ARMY							500
600	Corps of Engineers - Civil							600
700	General investigations	116,259	90,500	149,000	---	144,500	+28,241	700
800	Construction, general	1,712,157	1,421,500	1,876,680	---	1,796,089	+83,932	800
900	Miscellaneous appropriations (P.L. 108-199)	13,669	---	---	---	---	-13,669	900
1000	Miscellaneous appropriations (P.L. 108-199)	22,268	---	---	---	---	-22,268	1000
1010	Rescissions	---	-94,000	---	---	---	---	1010
1100	Flood control, Mississippi River and tributaries,							1100
1200	Arkansas, Illinois, Kentucky, Louisiana,							1200
1300	Mississippi, Missouri, and Tennessee	322,309	270,000	325,000	---	324,500	+2,191	1300
1320	Rescissions	---	-5,000	---	---	---	---	1320
1400	Operation and maintenance, general	1,956,314	1,931,000	1,982,000	---	1,959,101	+2,787	1400
1500	Regulatory program	139,174	150,000	140,000	---	145,000	+5,826	1500
1600	FUSRAP	139,174	140,000	190,000	---	165,000	+25,826	1600 050
1700	Flood control and coastal emergencies	---	50,000	---	---	---	---	1700
1720	Rescissions	---	-1,000	---	---	---	---	1720
1800	General expenses	159,056	167,000	167,000	---	167,000	+7,944	1800
1820	Office of Assistant Secretary of the Army	---	---	2,600	---	4,000	+4,000	1820 050
1900	Total, title I, Department of Defense - Civil	4,580,380	4,120,000	4,832,280	---	4,705,190	+124,810	1900
2000	TITLE II - DEPARTMENT OF THE INTERIOR							2000
2100	Central Utah Project Completion Account							2100
2200	Central Utah project construction	26,880	30,806	30,806	---	30,806	+3,926	2200
2300	Fish, wildlife, and recreation mitigation and							2300
2400	conservation	9,367	15,469	15,469	---	15,469	+6,102	2400
2500	Subtotal	36,247	46,275	46,275	---	46,275	+10,028	2500
2600	Program oversight and administration	1,718	1,734	1,734	---	1,734	+16	2600
2700	Total, Central Utah project completion account	37,965	48,009	48,009	---	48,009	+10,044	2700

Conference Report
(Amounts in thousands)

		FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted	
2800	Bureau of Reclamation							2800
2900	Water and related resources	852,439	794,476	860,305	---	859,481	+7,042	2900
3000	Loan program	199	---	---	---	---	-199	3000
3200	Central Valley project restoration fund	39,366	54,695	54,695	---	54,695	+15,329	3200
3300	California Bay-Delta restoration	---	15,000	---	---	---	---	3300
3400	Working capital fund (rescission)	-4,525	---	---	---	---	+4,525	3400
3500	Policy and administration	55,197	58,153	58,153	---	58,153	+2,956	3500
3600	Total, Bureau of Reclamation	942,676	922,324	973,153	---	972,329	+29,653	3600
3700	Total, title II, Department of the Interior	980,641	970,333	1,021,162	---	1,020,338	+39,697	3700
3800	TITLE III - DEPARTMENT OF ENERGY							3800
3900	Energy supply	733,190	835,266	817,126	---	946,272	+213,082	3900
4000	Miscellaneous appropriations (P.L. 108-199)	4,971	---	---	---	---	-4,971	4000
4100	Non-defense site acceleration completion	162,411	151,850	151,850	---	151,850	-10,561	4100
4200	Uranium enrichment decontamination and decommissioning							4200
4300	fund	414,027	500,200	500,200	---	499,007	+84,980	4300
4400	Non-defense environmental services	337,465	291,296	291,296	---	291,296	-46,169	4400
4500	Science	3,431,335	3,431,718	3,599,964	---	3,628,902	+197,567	4500
4600	Miscellaneous appropriations (P.L. 108-199)	50,948	---	---	---	---	-50,948	4600
4700	Nuclear Waste Disposal	188,879	749,000	---	---	346,000	+157,121	4700
4800	Departmental administration	215,255	261,873	243,876	---	240,426	+25,171	4800
4900	Miscellaneous revenues	-123,000	-122,000	-122,000	---	-122,000	+1,000	4900
5000	Net appropriation	92,255	139,873	121,876	---	118,426	+26,171	5000
5100	Office of the Inspector General	39,229	41,508	41,508	---	41,508	+2,279	5100
5200	Atomic Energy Defense Activities							5200
5300	National Nuclear Security Administration:							5300
5400	Weapons activities	6,235,502	6,568,453	6,514,424	---	6,226,471	-9,031	5400 050
5410	Transfer from Department of Defense approps	---	---	---	---	(300,000)	(+300,000)	5410 050
5420	Total, Weapons activities (program level)	(6,235,502)	(6,568,453)	(6,514,424)	---	(6,526,471)	(+290,969)	5420
5500	Defense nuclear nonproliferation	1,319,779	1,348,647	1,348,647	---	1,420,397	+100,618	5500 050
5600	Naval reactors	761,878	797,900	807,900	---	807,900	+46,022	5600 050
5700	Office of the Administrator	337,974	333,700	356,200	---	356,200	+18,226	5700 050
5800	Subtotal, National Nuclear Security							5800
5900	Administration	8,655,133	9,048,700	9,027,171	---	8,810,968	+155,835	5900

Conference Report
(Amounts in thousands)

		FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted	
6000	Defense site acceleration completion	5,617,719	5,620,837	5,930,837	---	5,804,479	+186,760	6000 050
6040	High-level waste (Waste Incidental to							6040
6050	Reprocessing) (legislative proposal)	---	350,000	---	---	291,950	+291,950	6050 050
6060	Subtotal, Defense site acceleration completion	5,617,719	5,970,837	5,930,837	---	6,096,429	+478,710	6060
6100	Defense environmental services	985,296	982,470	957,976	---	937,976	-47,320	6100 050
6200	Defense environmental management privatization							6200
6300	(rescission)	-15,329	---	---	---	---	+15,329	6300 050
6400	Subtotal, Defense environmental management	6,587,686	6,953,307	6,888,813	---	7,034,405	+446,719	6400
6500	Other defense activities	670,510	663,636	697,059	---	692,691	+22,181	6500 050
6600	Defense nuclear waste disposal	387,699	131,000	131,000	---	231,000	-156,699	6600 050
6700	Total, Atomic Energy Defense Activities	16,301,028	16,796,643	16,744,043	---	16,769,064	+468,036	6700
6800	Power Marketing Administrations							6800
6900	Operation and maintenance, Southeastern Power							6900
7000	Administration	4,869	5,200	5,200	---	5,200	+331	7000
7100	Operation and maintenance, Southwestern Power							7100
7200	Administration	28,420	29,352	29,352	---	29,352	+932	7200
7300	Construction, rehabilitation, operation and							7300
7400	maintenance, Western Area Power Administration	175,778	173,100	173,100	---	173,100	-2,678	7400
7500	Falcon and Amistad operating and maintenance fund	2,624	2,827	2,827	---	2,827	+203	7500
7600	Total, Power Marketing Administrations	211,691	210,479	210,479	---	210,479	-1,212	7600
7700	Federal Energy Regulatory Commission							7700
7800	Salaries and expenses	203,194	210,000	210,000	---	210,000	+6,806	7800
7900	Revenues applied	-203,194	-210,000	-210,000	---	-210,000	-6,806	7900
8000	Total, title III, Department of Energy	21,967,429	23,147,833	22,478,342	---	23,002,804	+1,035,375	8000
8100	TITLE IV - INDEPENDENT AGENCIES							8100
8200	Appalachian Regional Commission	65,611	66,000	38,500	---	66,000	+389	8200
8300	Defense Nuclear Facilities Safety Board	19,444	20,268	20,268	---	20,268	+824	8300 050
8400	Delta Regional Authority	4,971	2,096	2,096	---	6,048	+1,077	8400
8500	Denali Commission	54,676	2,500	---	---	67,000	+12,324	8500

Conference Report
(Amounts in thousands)

		FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted	
8600	Nuclear Regulatory Commission:							8600
8700	Salaries and expenses	618,328	662,777	662,777	---	662,777	+44,449	8700
8800	Revenues	-538,844	-534,354	-534,354	---	-534,354	+4,490	8800
8900	Subtotal	79,484	128,423	128,423	---	128,423	+48,939	8900
9000	Office of Inspector General	7,297	7,518	7,518	---	7,518	+221	9000
9100	Revenues	-6,716	-6,766	-6,766	---	-6,766	-50	9100
9200	Subtotal	581	752	752	---	752	+171	9200
9300	Total, Nuclear Regulatory Commission	80,065	129,175	129,175	---	129,175	+49,110	9300
9400	Nuclear Waste Technical Review Board	3,158	3,177	3,177	---	3,177	+19	9400
9420	Tennessee Valley Authority:							9420
9450	Office of Inspector General	---	9,000	---	---	---	---	9450
9500	Total, title IV, Independent agencies	227,925	232,216	193,216	---	291,668	+63,743	9500
9600	Grand total:							9600
9700	New budget (obligational) authority	27,756,375	28,470,382	28,525,000	---	29,020,000	+1,263,625	9700
9800	Appropriations	(27,776,229)	(28,570,382)	(28,525,000)	---	(29,020,000)	(+1,243,771)	9800
9900	Rescissions	(-19,854)	(-100,000)	---	---	---	(+19,854)	9900

DIVISION D -- FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Subsidy appropriation	---	125,700	125,700	115,700	59,800	+59,800
Administrative expenses	72,465	73,200	73,200	73,200	73,200	+735
Inspector General	---	1,140	---	1,140	---	---
Negative subsidy	-34,000	-33,000	-33,000	-33,000	-33,000	+1,000
Total, Export-Import Bank of the United States	38,465	167,040	165,900	157,040	100,000	+61,535
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Noncredit account:						
Administrative expenses	41,141	42,885	42,885	42,885	42,885	+1,744
Insurance fees and other offsetting collections	-272,000	-278,000	-278,000	-278,000	-278,000	-6,000
Subsidy appropriation	23,858	24,000	24,000	24,000	24,000	+142
Total, Overseas Private Investment Corporation	-207,001	-211,115	-211,115	-211,115	-211,115	-4,114
FUNDS APPROPRIATED TO THE PRESIDENT						
Trade and development agency	49,705	50,000	51,500	49,000	51,500	+1,795
Total, title I, Export and investment assistance	-118,831	5,925	6,285	-5,075	-59,615	+59,216
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
United States Agency for International Development						
Child survival and health programs fund	1,824,174	1,420,000	1,648,500	1,550,000	1,550,000	-274,174
(Transfer out)	(-6,000)	---	(-6,000)	(-6,000)	(-6,000)	---
Development assistance	1,376,829	1,329,000	1,429,000	1,460,000	1,460,000	+83,171
(Transfer out)	(-21,000)	(-21,000)	(-21,000)	(-21,000)	(-21,000)	---
(Transfer out)	---	---	---	(-24,000)	(-24,000)	(-24,000)
International disaster assistance	253,993	385,500	355,500	385,500	370,000	+116,007
Emergency supplemental (P.L. 108-106)	110,000	---	---	---	---	-110,000
(By transfer emergency appropriations)	---	---	---	(150,000)	---	---
(By transfer) (P.L. 108-106)	(110,000)	---	---	---	---	(-110,000)
Subtotal, Disaster assistance	363,993	385,500	355,500	385,500	370,000	+6,007
Transition Initiatives	54,676	62,800	47,500	50,000	49,000	-5,676
Development Credit Authority:						
(By transfer)	(21,000)	(21,000)	(21,000)	(21,000)	(21,000)	---
Administrative expenses	7,953	8,000	8,000	8,000	8,000	+47
Subtotal, Development assistance	3,627,625	3,205,300	3,488,500	3,453,500	3,437,000	-190,625
Payment to the Foreign Service Retirement and Disability Fund	43,859	42,500	42,500	42,500	42,500	-1,359
Operating expenses of the U.S. Agency for International Development	600,536	623,400	618,000	618,000	618,000	+17,464
Emergency supplemental (P.L. 108-106)	40,000	---	---	---	---	-40,000
(By transfer)	(6,000)	---	(6,000)	(6,000)	(6,000)	---
(By transfer)	---	---	---	(24,000)	(24,000)	(+24,000)
Emergency supplemental (P.L. 108-106) (Transfer to U.S. AID Office of Inspector General)	(-1,900)	---	---	---	---	(+1,900)
Subtotal, USAID	640,536	623,400	618,000	618,000	618,000	-22,536

DIVISION D -- FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Capital Investment Fund	81,715	64,800	64,800	59,000	59,000	-22,715
Emergency supplemental (P.L. 108-106)	16,600	---	---	---	---	-16,600
Subtotal, Capital investment fund	98,315	64,800	64,800	59,000	59,000	-39,315
Operating expenses of the U.S. Agency for International Development Office of Inspector General	34,794	35,000	35,000	35,000	35,000	+206
Emergency supplemental (P.L. 108-106)(By transfer)	(1,900)	---	---	---	---	(-1,900)
Subtotal, Operating expenses	34,794	35,000	35,000	35,000	35,000	+206
Total, USAID	4,445,129	3,971,000	4,248,800	4,208,000	4,191,500	-253,629
Other Bilateral Economic Assistance						
Economic support fund:						
Israel	477,168	360,000	360,000	360,000	360,000	-117,168
Egypt	571,608	535,000	535,000	535,000	535,000	-36,608
Other	1,071,143	1,616,500	1,555,000	1,575,000	1,587,500	+516,357
Economic support fund (P.L. 108-106)	872,000	---	---	---	---	-872,000
(By transfer emergency)	(100,000)	---	---	---	---	(-100,000)
(By transfer)	---	---	(-150,000)	(-150,000)	(-150,000)	(-150,000)
Subtotal, Economic support fund	2,991,919	2,511,500	2,450,000	2,470,000	2,482,500	-509,419
International Fund for Ireland	18,391	8,500	18,500	---	18,500	+109
Assistance for Eastern Europe and the Baltic States	442,375	410,000	375,000	410,000	396,600	-45,775
Assistance for the Independent States of the former Soviet Union	584,531	550,000	550,000	560,000	560,000	-24,531
US emergency fund for complex international crises	---	100,000	---	---	---	---
Iraq relief and reconstruction fund (P.L. 108-106)	18,649,000	---	---	---	---	-18,649,000
(Transfer out) (P.L. 108-106)	(-210,000)	---	---	---	---	(+210,000)
(Transfer out emergency)	---	---	---	(-150,000)	---	---
Debt relief (P.L. 108-106)	---	---	---	---	---	---
CPA operating expenses (P.L. 108-106)	983,000	---	---	---	---	-983,000
Total, Other Bilateral Economic Assistance	23,669,216	3,580,000	3,393,500	3,440,000	3,457,600	-20,211,616
INDEPENDENT AGENCIES						
Inter-American Foundation						
Appropriation	16,238	15,185	16,238	19,000	18,000	+1,762
African Development Foundation						
Appropriation	18,579	17,000	18,579	20,000	19,000	+421
Peace Corps						
Appropriation	308,171	401,000	330,000	310,000	320,000	+11,829
(By transfer)	(15,000)	---	---	---	---	(-15,000)
Millenium Challenge Corporation						
Appropriation	994,100	2,500,000	1,250,000	1,120,000	1,500,000	+505,900
Department of State						
Global HIV/AIDS initiative	488,103	1,450,000	1,260,000	1,450,000	1,385,000	+896,897
(Transfer out)	(-15,000)	---	---	---	---	(+15,000)
International narcotics control and law enforcement	240,274	358,820	328,820	328,820	328,820	+88,546
Emergency supplemental (P.L. 108-106)	170,000	---	---	---	---	-170,000
Subtotal, Narcotics control	410,274	358,820	328,820	328,820	328,820	-81,454

DIVISION D -- FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Andean Counterdrug Initiative	726,687	731,000	731,000	731,000	731,000	+4,313
(By transfer)	(17,000)	---	---	---	---	(-17,000)
Migration and refugee assistance	755,712	729,789	756,000	775,000	770,000	+14,288
United States Emergency Refugee and Migration Assistance Fund	29,823	20,000	20,000	50,000	30,000	+177
Nonproliferation, anti-terrorism, demining and related programs	351,414	415,200	382,000	415,200	402,000	+50,586
(By transfer)	---	---	---	(5,000)	---	---
Emergency supplemental (P.L. 108-106)	35,000	---	---	---	---	-35,000
Subtotal, Nonproliferation	386,414	415,200	382,000	415,200	402,000	+15,586
Conflict response fund	---	---	---	20,000	---	---
Subtotal, Department of State	2,797,013	3,704,809	3,477,820	3,770,020	3,646,820	+849,807
Department of the Treasury						
International Affairs Technical Assistance	18,888	17,500	19,000	17,500	19,000	+112
Debt restructuring	94,440	200,000	105,000	95,000	100,000	+5,560
Subtotal, Department of the Treasury	113,328	217,500	124,000	112,500	119,000	+5,672
Total, title II, Bilateral economic assistance	32,361,774	14,406,494	12,858,937	12,999,520	13,271,920	-19,089,854
Appropriations	(11,486,174)	(14,406,494)	(12,858,937)	(12,999,520)	(13,271,920)	(+1,785,746)
Emergency appropriations	(20,875,600)	---	---	---	---	(-20,875,600)
(By transfer)	(59,000)	(21,000)	(-123,000)	(-94,000)	(-99,000)	(-158,000)
(By transfer emergency appropriations)	211,900	---	---	150,000	---	-211,900
(Transfer out)	(-42,000)	(-21,000)	(-27,000)	(-51,000)	(-51,000)	(-9,000)
(Transfer out emergency appropriations)	-211,900	---	---	-150,000	---	+211,900

DIVISION D -- FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	91,159	89,730	89,730	89,730	89,730	-1,429
Foreign Military Financing Program:						
Grants:						
Israel	2,147,256	2,220,000	2,220,000	2,220,000	2,220,000	+72,744
Egypt	1,292,330	1,300,000	1,300,000	1,300,000	1,300,000	+7,670
Other	829,079	1,437,500	1,257,500	1,257,500	1,263,500	+434,421
Emergency supplemental (P.L. 108-106)	287,000	---	---	---	---	-287,000
(By transfer)	---	---	(150,000)	(150,000)	(150,000)	(+150,000)
(Transfer out)	(-17,000)	---	---	(-5,000)	---	(+17,000)
Subtotal, Grants	4,555,665	4,957,500	4,777,500	4,777,500	4,783,500	+227,835
(Limitation on administrative expenses)	(40,500)	(40,500)	(40,500)	(40,500)	(40,000)	(-500)
Total, Foreign Military Financing	4,555,665	4,957,500	4,777,500	4,777,500	4,783,500	+227,835
Peacekeeping operations	74,458	104,000	104,000	104,000	104,000	+29,542
Emergency supplemental (P.L. 108-106)	50,000	---	---	---	---	-50,000
Subtotal, Peacekeeping operations	124,458	104,000	104,000	104,000	104,000	-20,458
Total, title III, Military assistance	4,771,282	5,151,230	4,971,230	4,971,230	4,977,230	+205,948
Appropriations	(4,434,282)	(5,151,230)	(4,971,230)	(4,971,230)	(4,977,230)	(+542,948)
Emergency appropriations	(337,000)	---	---	---	---	(-337,000)
(By transfer)	---	---	(150,000)	(150,000)	(150,000)	(+150,000)
(Transfer out)	(-17,000)	---	---	(-5,000)	---	(+17,000)
(Limitation on administrative expenses)	(40,500)	(40,500)	(40,500)	(40,500)	(40,000)	(-500)

DIVISION D -- FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development:						
Global Environment Facility	138,418	120,678	107,500	120,678	107,500	-30,918
Contribution to the International Development Association	907,812	1,061,310	850,000	820,000	850,000	-57,812
Contribution to Multilateral Investment Guarantee Agency	1,117	---	---	---	---	-1,117
(Limitation on callable capital subscriptions)	(4,475)	---	---	---	---	(-4,475)
Total, World Bank Group	1,047,347	1,181,988	957,500	940,678	957,500	-89,847
Contribution to the Inter-American Development Bank:						
Contribution to the Enterprise for the Americas Multilateral Investment Fund	24,853	25,000	25,000	15,000	11,000	-13,853
Contribution to the Asian Development Bank:						
Contribution to the Asian Development Fund	143,569	112,212	112,212	59,691	100,000	-43,569
Contribution to the African Development Bank:						
Paid-in capital	5,075	5,100	5,100	1,100	4,100	-975
(Limitation on callable capital subscriptions)	(79,610)	(79,533)	(79,533)	(79,533)	---	(-79,610)
Contribution to the African Development Fund	112,060	118,000	118,000	67,000	106,000	-6,060
Total, African Development Bank	117,135	123,100	123,100	68,100	110,100	-7,035
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	35,222	35,431	35,431	35,431	35,431	+209
(Limitation on callable capital subscriptions)	(122,085)	(121,997)	(121,997)	(121,997)	(121,997)	(-88)
Contribution to the International Fund for Agricultural Development	14,915	15,000	15,000	15,000	15,000	+85
Total, International Financial Institutions	1,383,041	1,492,731	1,268,243	1,133,900	1,229,031	-154,010
International Organizations and Programs						
Appropriation	319,752	304,450	323,450	328,925	328,394	+8,642
Total, title IV, Multilateral economic assistance	1,702,793	1,797,181	1,591,693	1,462,825	1,557,425	-145,368
(Limitation on callable capital subscript)	(206,170)	(201,530)	(201,530)	(201,530)	(121,997)	(-84,173)
TITLE V - GENERAL PROVISIONS						
Child survival and health programs fund (emergency appropriations)	---	---	---	150,000	---	---
Peacekeeping operations in Sudan (contingent emergency appropriations)	---	---	---	75,000	---	---
(Emergency appropriation)	---	---	---	---	75,000	+75,000
International disaster and famine assistance (Emergency)	---	---	---	---	18,000	+18,000
Grand total:						
New budget (obligational) authority	38,717,018	21,360,830	19,428,145	19,653,500	19,839,960	-18,877,058
(Emergency appropriations)	(21,212,600)	---	---	(150,000)	(93,000)	(-21,119,600)
(Contingent emergency appropriations)	---	---	---	(75,000)	---	---
(By transfer)	(59,000)	(21,000)	(27,000)	(56,000)	(51,000)	(-8,000)
(By transfer emergency appropriations)	211,900	---	---	150,000	---	-211,900
(Transfer out)	(-59,000)	(-21,000)	(-27,000)	(-56,000)	(-51,000)	(+8,000)
(Transfer out emergency appropriations)	-211,900	---	---	-150,000	---	+211,900
(Limitation on administrative expenses)	(40,500)	(40,500)	(40,500)	(40,500)	(40,000)	(-500)
(Limitation on callable capital subscript)	(206,170)	(201,530)	(201,530)	(201,530)	(121,997)	(-84,173)
(Emergency Supplemental (P.L. 108-106))	(21,212,600)	---	---	(150,000)	(93,000)	(-21,119,600)

DIVISION D -- FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Czech loans	20,000	---	---	---	---	-20,000
Emergency supplemental (P.L. 108-106)	-21,212,600	---	---	---	---	+21,212,600
Emergency appropriations	---	---	---	-150,000	-93,000	-93,000
Contingent emergency appropriations	---	---	---	-75,000	---	---
Total, adjustments	-21,192,600	---	---	-225,000	-93,000	+21,099,600
Total (including adjustments)	17,524,418	21,360,830	19,428,145	19,428,500	19,746,960	+2,222,542
Amounts in this bill	(38,717,018)	(21,360,830)	(19,428,145)	(19,653,500)	(19,839,960)	(-18,877,058)
Scorekeeping adjustments	(-21,192,600)	---	---	(-225,000)	(-93,000)	(+21,099,600)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	17,524,418	21,360,830	19,428,145	19,428,500	19,746,960	+2,222,542
Mandatory	(43,859)	(42,500)	(42,500)	(42,500)	(42,500)	(-1,359)
Discretionary	(17,480,559)	(21,318,330)	(19,385,645)	(19,386,000)	(19,686,460)	(+2,205,901)

DIVISION D -- FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
RECAP BY FUNCTION						
Mandatory	43,859	42,500	42,500	42,500	42,500	-1,359
Prior year outlays	---	---	---	---	---	---
Total, Mandatory	43,859	42,500	42,500	42,500	42,500	-1,359
Discretionary	17,480,559	21,318,330	19,385,645	19,386,000	19,704,460	+2,223,901
Prior year outlays	---	---	---	---	---	---
Total, Discretionary	17,480,559	21,318,330	19,385,645	19,386,000	19,704,460	+2,223,901
Grand total, Mandatory and Discretionary	17,524,418	21,360,830	19,428,145	19,428,500	19,746,960	+2,222,542
DISCRETIONARY 302(b) ALLOCATION						
302(b) allocation	---	---	19,386,000	19,386,000	19,386,000	+19,386,000
Over/under allocation	17,480,559	21,318,330	-355	---	318,460	-17,162,099

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	839,848	837,462	840,401	855,689	848,939
Wildland fire management:					
Preparedness	274,303	283,018	262,644	262,644	262,644
Fire suppression operations	192,903	221,523	221,523	221,523	221,523
Borrowing repayment (emergency)	98,416	---	---	---	---
Supplemental appropriations (P.L.108-287)	100,000	---	---	---	---
Other operations	217,971	238,558	258,932	258,932	258,932
Subtotal	883,593	743,099	743,099	743,099	743,099
Central hazardous materials fund	9,856	9,855	9,855	9,855	9,855
Construction	13,804	6,476	15,000	8,976	11,500
Land acquisition	18,370	24,000	4,500	22,850	11,350
Oregon and California grant lands	105,357	116,058	111,557	113,558	109,057
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000
Service charges, deposits, & forfeitures (indefinite)	19,490	24,490	24,490	24,490	24,490
Offsetting fee collections	-19,490	-24,490	-24,490	-24,490	-24,490
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	12,405	12,405
Total, Bureau of Land Management	1,893,233	1,759,355	1,746,817	1,776,432	1,756,205
United States Fish and Wildlife Service					
Resource management	956,483	950,987	970,494	966,265	977,205
Construction	59,808	22,111	48,400	37,136	53,400
Land acquisition	43,091	45,041	12,500	49,864	37,526
Landowner incentive program	29,630	50,000	15,000	29,000	22,000
Private stewardship grants	7,408	10,000	5,000	7,500	7,000
Cooperative endangered species conservation fund	81,596	90,000	81,596	82,600	81,596
National wildlife refuge fund	14,237	14,414	14,414	14,414	14,414
North American wetlands conservation fund	37,531	54,000	38,000	38,000	38,000
Neotropical migratory birds conservation fund	3,951	---	4,400	4,000	4,000
Multinational species conservation fund	5,532	9,500	5,900	5,700	5,800
State wildlife grants	69,138	80,000	67,500	75,000	70,000
Total, United States Fish and Wildlife Service	1,308,405	1,326,053	1,263,204	1,309,479	1,310,941
National Park Service					
Operation of the national park system	1,609,560	1,686,067	1,686,067	1,688,915	1,707,282
United States Park Police	77,888	81,204	81,204	81,204	81,204
National recreation and preservation	61,776	37,736	53,877	63,023	61,832
Urban park and recreation fund	301	---	---	---	---
Historic preservation fund	73,583	77,533	71,533	71,250	72,750
Construction	329,879	329,880	297,628	330,019	307,362
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000
Land acquisition and state assistance	135,594	178,124	107,500	155,831	148,411
Total, National Park Service (net)	2,258,581	2,360,544	2,267,809	2,360,242	2,348,841
Appropriations	(2,288,581)	(2,390,544)	(2,297,809)	(2,390,242)	(2,378,841)
Rescission	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)
United States Geological Survey					
Surveys, investigations, and research	937,985	919,788	944,498	939,486	948,921
Minerals Management Service					
Royalty and offshore minerals management	263,510	275,305	275,305	274,905	272,905
Use of receipts	-100,230	-103,730	-103,730	-103,730	-103,730
Oil spill research	7,017	7,105	7,105	7,105	7,105
Total, Minerals Management Service	170,297	178,680	178,680	178,280	176,280
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	105,113	108,805	108,805	109,805	109,805
Receipts from performance bond forfeitures (indefinite)	271	100	100	100	100
Subtotal	105,384	108,905	108,905	109,905	109,905

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference
Abandoned mine reclamation fund (definite, trust fund)	190,591	190,863	194,106	190,863	190,863
Legislative proposal	---	53,000	---	---	---
Subtotal	190,591	243,863	194,106	190,863	190,863
Total, Office of Surface Mining Reclamation and Enforcement	295,975	352,768	303,011	300,768	300,768
Bureau of Indian Affairs					
Operation of Indian programs	1,892,706	1,929,477	1,935,033	1,951,798	1,955,047
Construction	346,825	283,126	348,626	283,126	323,626
Indian land and water claim settlements and miscellaneous payments to Indians	54,866	34,771	44,771	34,771	44,771
Indian guaranteed loan program account	6,417	6,421	6,421	6,421	6,421
Total, Bureau of Indian Affairs	2,300,814	2,253,795	2,334,851	2,276,116	2,329,865
Departmental Offices					
Insular Affairs:					
Assistance to Territories	48,024	45,215	47,215	46,535	48,535
Northern Marianas	27,720	27,720	27,720	27,720	27,720
Subtotal	75,744	72,935	74,935	74,255	76,255
Compact of Free Association	4,379	3,941	3,499	3,400	3,499
Mandatory payments	2,000	2,000	2,000	2,000	2,000
Subtotal	6,379	5,941	5,499	5,400	5,499
Total, Insular Affairs	82,123	78,876	80,434	79,655	81,754
Departmental management	81,599	99,103	79,551	81,608	90,855
(By transfer)	---	---	---	(13,500)	---
By transfer from Central Hazardous Material Fund	---	---	-13,500	---	-13,500
Subtotal, Departmental management	81,599	99,103	66,051	81,608	77,355
Working capital fund (cancellation)	-20,000	---	---	---	---
Payments in lieu of taxes	224,696	226,000	226,000	230,000	230,000
Financial management system migration project	11,555	---	---	---	---
Office of the Solicitor	49,753	53,453	51,356	53,053	52,384
Office of Inspector General	38,271	39,400	37,655	38,100	37,800
Office of Special Trustee for American Indians					
Federal trust programs	187,305	247,666	196,267	196,267	196,267
Indian land consolidation	21,709	70,000	42,000	50,000	35,000
Total, Office of Special Trustee for American Indians	209,014	317,666	238,267	246,267	231,267
Natural resource damage assessment fund	5,564	5,818	5,818	5,818	5,818
Miscellaneous appropriations (P.L. 108-199)	99	---	---	---	---
Total, Departmental Offices	682,674	820,316	705,581	734,501	716,378
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	9,847,964	9,971,299	9,744,451	9,875,304	9,888,199
Appropriations	(9,779,548)	(10,001,299)	(9,774,451)	(9,905,304)	(9,918,199)
Emergency appropriations	(98,416)	---	---	---	---
Rescissions	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	266,387	280,654	280,654	279,883	280,278
State and private forestry	304,344	294,388	282,446	291,169	296,626
Emergency appropriations (P.L. 108-199)	24,853	---	---	---	---
National forest system	1,365,877	1,655,837	1,399,599	1,387,149	1,400,260

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference
Wildland fire management:					
Preparedness	671,621	666,227	693,627	686,000	686,000
Fire suppression operations	597,130	685,400	658,000	658,400	658,000
Borrowing repayment (emergency)	299,224	---	---	---	---
Supplemental appropriations (P.L.108-287)	400,000	---	---	---	---
Other operations	354,213	77,259	383,238	359,497	383,008
Emergency appropriations (P.L. 108-199)	24,853	---	---	---	---
Subtotal	2,347,041	1,428,886	1,734,865	1,703,897	1,727,008
Capital improvement and maintenance	555,227	501,059	522,940	516,169	521,952
Land acquisition	66,363	66,885	15,500	82,524	61,866
Acquisition of lands for national forests, special acts	1,056	1,069	1,069	1,069	1,069
Acquisition of lands to complete land exchanges (indefinite)	231	234	234	234	234
Range betterment fund (indefinite)	2,963	3,064	3,064	3,064	3,064
Gifts, donations and bequests for forest and rangeland research	90	65	65	65	65
Management of national forest lands for subsistence uses	5,467	5,962	5,962	5,962	5,962
Total, Forest Service	4,939,899	4,238,103	4,246,398	4,271,185	4,298,384
DEPARTMENT OF ENERGY					
Clean coal technology:					
Deferral	-97,000	---	-237,000	-257,000	-257,000
Rescission	-88,000	-237,000	---	---	---
Fossil energy research and development	672,770	635,799	601,875	542,529	579,911
Naval petroleum and oil shale reserves	17,995	18,000	18,000	18,000	18,000
Elk Hills School lands fund	---	36,000	---	---	---
Advance appropriations from previous years	36,000	36,000	36,000	36,000	36,000
Advance appropriations, FY 2005	36,000	---	---	---	---
Advance appropriations, FY 2006	---	---	36,000	36,000	36,000
Energy conservation	877,985	584,733	656,071	854,299	649,092
Economic regulation	1,034	---	---	---	---
Strategic petroleum reserve	170,949	172,100	172,100	172,100	172,100
Northeast home heating oil reserve	4,939	5,000	5,000	5,000	5,000
Energy Information Administration	81,100	85,000	85,000	84,000	85,000
Total, Department of Energy:					
New budget (obligational) authority (net)	1,713,772	1,335,632	1,373,046	1,490,928	1,324,103
Appropriations	(1,826,772)	(1,536,632)	(1,538,046)	(1,675,928)	(1,509,103)
Advance appropriations	(72,000)	(36,000)	(72,000)	(72,000)	(72,000)
Rescissions	(-88,000)	(-237,000)	---	---	---
Deferral	(-97,000)	---	(-237,000)	(-257,000)	(-257,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services:					
Non-contract services	2,051,294	2,115,739	2,131,237	2,124,539	2,127,987
Contract care	479,070	479,085	479,085	491,085	487,085
Catastrophic health emergency fund	---	18,000	18,000	18,000	18,000
Total, Indian health services	2,530,364	2,612,824	2,628,322	2,633,624	2,633,072
Indian health facilities	391,351	354,448	405,048	364,148	394,048
Total, Indian Health Service	2,921,715	2,967,272	3,033,370	2,997,772	3,027,120
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	13,366	11,000	11,000	5,000	5,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	6,173	6,000	6,000	6,000	6,000
Smithsonian Institution					
Salaries and expenses	488,653	499,125	496,925	490,125	495,925
Facilities capital	107,626	128,900	122,900	136,900	127,900
Total, Smithsonian Institution	596,279	628,025	619,825	627,025	623,825

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference
National Gallery of Art					
Salaries and expenses	86,768	93,000	93,000	92,119	93,000
Repair, restoration and renovation of buildings	11,457	11,100	11,100	11,000	11,100
Total, National Gallery of Art	98,225	104,100	104,100	103,119	104,100
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	16,356	17,152	17,152	17,152	17,152
Construction	15,803	16,334	10,000	16,334	16,334
Total, John F. Kennedy Center for the Performing Arts	32,159	33,486	27,152	33,486	33,486
Woodrow Wilson International Center for Scholars					
Salaries and expenses	8,498	8,987	8,987	8,987	8,987
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration 1/	120,972	139,400	130,972	120,972	122,972
National Endowment for the Humanities					
Grants and administration	119,386	145,878	125,877	119,386	123,877
Matching grants	15,924	16,122	16,122	15,924	16,122
Total, National Endowment for the Humanities	135,310	162,000	141,999	135,310	139,999
Total, National Foundation on the Arts and the Humanities	256,282	301,400	272,971	256,282	262,971
Commission of Fine Arts					
Salaries and expenses	1,405	1,793	1,793	1,793	1,793
National Capital Arts and Cultural Affairs					
Grants	6,914	5,000	7,000	6,000	7,000
Advisory Council on Historic Preservation					
Salaries and expenses	3,951	4,600	4,600	4,600	4,600
National Capital Planning Commission					
Salaries and expenses	7,635	8,155	7,999	8,000	8,000
United States Holocaust Memorial Museum					
Holocaust Memorial Museum	39,505	41,433	41,433	41,433	41,433
Presidio Trust					
Presidio trust fund	20,445	20,000	20,000	20,000	20,000
Total, title II, related agencies:					
New budget (obligational) authority (net)	10,666,223	9,714,986	9,785,674	9,881,610	9,776,802
Appropriations	(10,430,293)	(9,915,986)	(9,950,674)	(10,066,610)	(9,961,802)
Emergency appropriations	(348,930)	---	---	---	---
Advance appropriations	(72,000)	(36,000)	(72,000)	(72,000)	(72,000)
Rescissions	(-88,000)	(-237,000)	---	---	---
Deferral	(-97,000)	---	(-237,000)	(-257,000)	(-257,000)
TITLE IV - EMERGENCY WIDLAND FIRE					
Bureau of Land Management					
Wildland Fire management:					
Fire suppression operations	---	---	100,000	100,000	100,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference
DEPARTMENT OF AGRICULTURE					
Forest Service					
Wildland Fire management:					
Fire suppression operations	---	---	400,000	400,000	400,000
TOTAL, TITLE IV, EMERGENCY WILDLAND FIRE	---	---	500,000	500,000	500,000
TITLE V - GENERAL PROVISION					
Across-the-board cut (.594%) (rescission) (sec. 501)	---	---	---	---	-120,024
Grand total:					
New budget (obligational) authority (net)	20,514,187	19,686,285	20,030,125	20,256,914	20,044,977
Appropriations	(20,209,841)	(19,917,285)	(20,225,125)	(20,471,914)	(20,380,001)
Emergency appropriations	(447,346)	---	---	---	---
Advance appropriations	(72,000)	(36,000)	(72,000)	(72,000)	(72,000)
Rescissions	(-118,000)	(-267,000)	(-30,000)	(-30,000)	(-150,024)
Deferral	(-97,000)	---	(-237,000)	(-257,000)	(-257,000)
(By transfer)	---	---	---	(13,500)	---

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
100	TITLE I - DEPARTMENT OF LABOR								
150	EMPLOYMENT AND TRAINING ADMINISTRATION								
200	TRAINING AND EMPLOYMENT SERVICES								
250	Grants to States:								
300	Adult Training, current year	186,891	188,000	188,000	186,107	186,107	-784	D	FF
350	Advance from prior year	(707,799)	(712,000)	(712,000)	(712,000)	(712,000)	(+4,201)	NA	
400	FY 2006	712,000	712,000	712,000	712,000	712,000	---	D	
450	Adult Training	898,891	900,000	900,000	898,107	898,107	-784		
500	Youth Training	995,059	1,000,965	1,000,965	994,242	994,242	-817	D	FF
550	Dislocated Worker Assistance, current year	330,192	251,669	330,192	348,048	348,048	+17,856	D	FF
600	Advance from prior year	(842,997)	(848,000)	(848,000)	(848,000)	(848,000)	(+5,003)	NA	
650	FY 2006	848,000	848,000	848,000	848,000	848,000	---	D	
700	Dislocated Worker Assistance	1,178,192	1,099,669	1,178,192	1,196,048	1,196,048	+17,856		
750	Federally Administered Programs:								
755	Dislocated Worker Assistance National Reserve:								
760	Current year	64,227	71,371	89,227	71,371	71,371	+7,144	D	FF
770	Advance from prior year	(210,749)	(212,000)	(212,000)	(212,000)	(212,000)	(+1,251)	NA	
780	FY 2006	212,000	212,000	212,000	212,000	212,000	---	D	
790	Dislocated Worker Assistance Nat'l Reserve	276,227	283,371	301,227	283,371	283,371	+7,144		
793	Total, Dislocated Worker Assistance	1,454,419	1,383,040	1,479,419	1,479,419	1,479,419	+25,000		
800	Native Americans	54,675	55,000	54,675	55,000	54,675	---	D	FF
850	Migrant and Seasonal Farmworkers	76,370	---	76,370	76,370	76,370	---	D	FF
900	Job Corps:								
950	Operations	820,114	859,966	845,000	859,966	852,483	+32,369	D	FF
1000	Advance from prior year	(587,513)	(591,000)	(591,000)	(591,000)	(591,000)	(+3,487)	NA	
1050	FY 2006	591,000	591,000	591,000	591,000	591,000	---	D	
1100	Construction and Renovation	30,038	6,321	6,321	26,321	16,321	-13,717	D	FF
1150	Advance from prior year	(99,410)	(100,000)	(100,000)	(100,000)	(100,000)	(+590)	NA	
1200	FY 2006	100,000	100,000	100,000	100,000	100,000	---	D	
1250	Subtotal, Job Corps, program level	1,541,152	1,557,287	1,542,321	1,577,287	1,559,804	+18,652		
1300	National Activities:								
1350	Pilots, Demonstrations and Research	57,751	30,000	48,474	62,751	85,854	+28,103	D	FF
1400	Responsible Reintegration of Youthful Offender	49,705	50,000	---	50,000	50,000	+295	D	FF
1450	Evaluation	8,986	8,000	8,000	8,000	8,000	-986	D	FF
1510	Prisoner Re-entry	---	40,000	---	40,000	20,000	+20,000	D	
1515	Community College initiative	---	250,000	---	125,000	125,000	+125,000	D	
1516	Community College initiative (NA) 1/	---	---	---	(125,000)	(125,000)	(+125,000)	NA	
1517	Subtotal, CC initiative, program level	---	250,000	---	250,000	250,000	+250,000		
1520	Personal reemployment accounts	---	50,000	---	---	---	---	D	
1525	Denali Commission	4,970	---	---	8,000	7,000	+2,030	D	
1550	Other	3,486	2,000	2,504	3,486	3,486	---	D	FF
1600	Subtotal, National activities	124,898	430,000	58,978	297,237	299,340	+174,442		
1650	Subtotal, Federal activities	2,073,322	2,325,658	2,033,571	2,289,265	2,273,560	+200,238		
1700	Current Year	1,170,322	1,422,658	1,130,571	1,386,265	1,370,560	+200,238		
1750	FY 2006	903,000	903,000	903,000	903,000	903,000	---		
2100	Total, Training and Employment Services	5,145,464	5,326,292	5,112,728	5,377,662	5,361,957	+216,493		UA
2150	Current Year	(2,682,464)	(2,863,292)	(2,649,728)	(2,914,662)	(2,898,957)	(+216,493)		UA
2200	FY 2006	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---		UA
2300	COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	438,650	440,200	440,200	440,200	440,200	+1,550	D	FF
2400	FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	1,338,200	1,057,300	1,057,300	1,057,300	1,057,300	-280,900	M	
2600	STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT								
2650	SERVICE OPERATIONS								
2700	Unemployment Compensation:								
2750	State Operations	2,608,653	2,700,714	2,690,714	2,654,714	2,684,714	+76,061	TF	
2850	National Activities	9,876	10,500	10,500	10,500	10,500	+624	TF	
2950	Subtotal, Unemployment Compensation	2,618,529	2,711,214	2,701,214	2,665,214	2,695,214	+76,685		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable	
3100	Employment Service:							
3150	Allotments to States:							
3200	Federal Funds	23,163	23,300	23,300	23,163	23,300	+137	D
3250	Trust Funds	763,724	672,700	672,700	763,724	763,587	-137	TF
3300	Subtotal, allotments to States	786,887	696,000	696,000	786,887	786,887	---	
3350	ES National Activities	58,971	67,000	67,000	65,500	65,500	+6,529	TF
3400	Subtotal, Employment Service	845,858	763,000	763,000	852,387	852,387	+6,529	
3450	Federal Funds	23,163	23,300	23,300	23,163	23,300	+137	
3500	Trust Funds	822,695	739,700	739,700	829,224	829,087	+6,392	
3550	One-Stop Career Centers/Labor Market Information	98,764	99,350	98,764	98,764	98,764	---	D
3600	Work Incentives Grants	19,753	19,870	19,870	19,870	19,870	+117	D FF
3650	Total, State Unemployment & Employment Srvcs	3,582,904	3,593,434	3,582,848	3,636,235	3,666,235	+83,331	
3700	Federal Funds	141,680	142,520	141,934	141,797	141,934	+254	
3750	Trust Funds	3,441,224	3,450,914	3,440,914	3,494,438	3,524,301	+83,077	
3800	ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/	467,000	517,000	517,000	517,000	517,000	+50,000	M
3900	PROGRAM ADMINISTRATION							
3950	Adult Employment and Training	38,382	39,380	38,382	39,187	39,187	+805	D
4000	Trust Funds	6,814	6,980	6,814	6,957	6,957	+143	TF
4050	Youth Employment and Training	39,009	40,133	39,009	39,947	39,947	+938	D
4100	Employment Security	5,948	6,146	5,948	6,094	6,094	+146	D
4150	Trust Funds	53,624	55,722	48,624	51,000	48,624	-5,000	TF
4200	Apprenticeship Services	20,760	21,405	20,760	21,306	21,306	+546	D
4250	Executive Direction	8,400	8,718	6,900	8,568	6,900	-1,500	D
4300	Trust Funds	2,041	2,158	2,041	2,082	2,082	+41	TF
4350	Welfare to Work	2,371	376	376	2,474	376	-1,995	D
4400	Total, Program Administration	177,349	181,018	168,854	177,615	171,473	-5,876	
4450	Federal Funds	114,870	116,158	111,375	117,576	113,810	-1,060	
4500	Trust Funds	62,479	64,860	57,479	60,039	57,663	-4,816	
4550	Total, Employment and Training Administration	11,149,567	11,115,244	10,878,930	11,206,012	11,214,165	+64,598	
4600	Federal Funds	7,645,864	7,599,470	7,380,537	7,651,535	7,632,201	-13,663	
4650	Current Year	(5,182,864)	(5,136,470)	(4,917,537)	(5,188,535)	(5,169,201)	(-13,663)	
4700	FY 2006	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---	
4750	Trust Funds	3,503,703	3,515,774	3,498,393	3,554,477	3,581,964	+78,261	
4800	EMPLOYEE BENEFITS SECURITY ADMINISTRATION							
4850	Enforcement and Participant Assistance	102,730	110,330	110,330	110,330	110,330	+7,600	D
4900	Policy and Compliance Assistance	16,907	17,497	17,497	17,497	17,497	+590	D
4950	Executive Leadership, Program Oversight and Admin	4,403	4,518	4,518	4,518	4,518	+115	D
5000	Total, EBSA	124,040	132,345	132,345	132,345	132,345	+8,305	
5050	PENSION BENEFIT GUARANTY CORPORATION							
5060	Pension insurance activities	---	(12,211)	(12,211)	(12,211)	(12,211)	(+12,211)	NA
5070	Pension plan termination	---	(169,739)	(169,739)	(169,739)	(169,739)	(+169,739)	NA
5080	Operational support	---	(84,380)	(84,380)	(84,380)	(84,380)	(+84,380)	NA
5100	Program Adm. subject to limitation (TF)	20,553	---	---	---	---	-20,553	TF
5150	Termination services not subject to limitation (NA)	(212,219)	---	---	---	---	(-212,219)	NA
5200	Total, PBGC	20,553	---	---	---	---	-20,553	
5250	Total, PBGC (Program level)	(232,772)	(266,330)	(266,330)	(266,330)	(266,330)	(+33,558)	
5300	EMPLOYMENT STANDARDS ADMINISTRATION							
5350	SALARIES AND EXPENSES							
5400	Enforcement of Wage and Hour Standards	160,096	165,933	165,933	165,933	165,933	+5,837	D
5450	Office of Labor-Management Standards	38,580	43,545	43,545	40,646	42,096	+3,516	D
5500	Federal Contractor EEO Standards Enforcement	79,442	82,078	79,442	82,078	80,760	+1,318	D
5550	Federal Programs for Workers' Compensation	96,754	99,528	96,754	99,528	98,141	+1,387	D
5650	Trust Funds	2,021	2,058	2,021	2,058	2,040	+19	TF
5700	Program Direction and Support	15,123	16,152	15,123	15,627	15,375	+252	D
5750	Total, ESA salaries and expenses	392,016	409,294	402,818	405,870	404,345	+12,329	
5800	Federal Funds	389,995	407,236	400,797	403,812	402,305	+12,310	
5850	Trust Funds	2,021	2,058	2,021	2,058	2,040	+19	

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable	
5900 SPECIAL BENEFITS							
5950 Federal employees compensation benefits	160,000	230,000	230,000	230,000	230,000	+70,000	M
6000 Longshore and harbor workers' benefits	3,000	3,000	3,000	3,000	3,000	---	M
6050 Total, Special Benefits	163,000	233,000	233,000	233,000	233,000	+70,000	
6060 SPECIAL BENEFITS FOR DISABLED COAL MINERS							
6065 Benefit payments	390,848	358,806	358,806	358,806	358,806	-32,042	M
6070 Administration	6,143	5,194	5,194	5,194	5,194	-949	M
6075 Subtotal, Black Lung, FY 2005 program level	396,991	364,000	364,000	364,000	364,000	-32,991	
6080 Less funds advanced in prior year	-97,000	-88,000	-88,000	-88,000	-88,000	+9,000	M
6085 Total, Black Lung, current request, FY 2005	299,991	276,000	276,000	276,000	276,000	-23,991	
6090 New advances, 1st quarter FY 2006	88,000	81,000	81,000	81,000	81,000	-7,000	M
6095 Total, Special Benefits for Disabled Coal Miners	387,991	357,000	357,000	357,000	357,000	-30,991	
6100 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS							
6150 COMPENSATION FUND							
6200 Program Benefits	(221,000)	(221,000)	(221,000)	(221,000)	(221,000)	---	NA
6250 Administrative Expenses	51,651	40,821	40,821	40,821	40,821	-10,830	M
6300 Total, Energy Emp Occupational Illness Comp Fund	51,651	40,821	40,821	40,821	40,821	-10,830	
6350 BLACK LUNG DISABILITY TRUST FUND							
6400 Benefit payments and interest on advances	998,901	1,001,951	1,001,951	1,001,951	1,001,951	+3,050	M
6450 Employment Standards Adm. S&E	32,004	32,646	32,646	32,646	32,646	+642	M
6500 Departmental Management S&E	23,401	23,705	23,705	23,705	23,705	+304	M
6550 Departmental Management, Inspector General	338	342	342	342	342	+4	M
6600 Subtotal, Black Lung Disability	1,054,644	1,058,644	1,058,644	1,058,644	1,058,644	+4,000	
6650 Treasury Administrative Costs	356	356	356	356	356	---	M
6700 Total, Black Lung Disability Trust Fund	1,055,000	1,059,000	1,059,000	1,059,000	1,059,000	+4,000	
6750 Total, Employment Standards Administration	2,049,658	2,099,115	2,092,639	2,095,691	2,094,166	+44,508	
6800 Federal Funds	2,047,637	2,097,057	2,090,618	2,093,633	2,092,126	+44,489	
6810 Current year	(1,959,637)	(2,016,057)	(2,009,618)	(2,012,633)	(2,011,126)	(+51,489)	
6820 FY 2006	(88,000)	(81,000)	(81,000)	(81,000)	(81,000)	(-7,000)	
6850 Trust Funds	2,021	2,058	2,021	2,058	2,040	+19	
6900 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION							
6950 SALARIES AND EXPENSES							
7000 Safety and Health Standards	15,920	16,132	16,132	16,668	16,132	+212	D
7050 Federal Enforcement	166,015	171,020	171,020	171,020	171,020	+5,005	D
7100 State Programs	91,959	91,747	91,747	91,747	91,747	-212	D
7150 Technical Support	21,593	20,909	20,909	20,909	20,909	-684	D
7200 Compliance Assistance:							
7250 Federal Assistance	67,049	71,430	71,430	71,430	71,430	+4,381	D
7300 State Consultation Grants	52,211	53,792	53,792	53,792	53,792	+1,581	D
7350 Training Grants	10,510	4,000	4,000	10,510	10,510	---	D
7400 Subtotal, Compliance Assistance	129,770	129,222	129,222	135,732	135,732	+5,962	D
7450 Safety and Health Statistics	22,237	22,382	22,382	22,382	22,382	+145	D
7500 Executive Direction and Administration	10,047	10,187	10,187	10,187	10,187	+140	D
7550 Total, OSHA	457,541	461,599	461,599	468,645	468,109	+10,568	

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable	
7600	MINE SAFETY AND HEALTH ADMINISTRATION							
7650	SALARIES AND EXPENSES							
7700	Coal Enforcement	115,339	114,889	114,889	117,769	116,329	+990	D
7750	Metal/Non-Metal Enforcement	65,985	66,782	66,782	67,798	67,290	+1,305	D
7800	Standards Development	2,326	2,333	2,333	2,372	2,353	+27	D
7850	Assessments	4,170	5,280	5,280	5,280	5,280	+1,110	D
7900	Educational Policy and Development	30,356	31,507	31,507	31,507	31,507	+1,151	D
7950	Technical Support	24,545	25,064	25,064	25,564	25,314	+769	D
7975	Program evaluation and information resources (PEIR)	13,963	17,666	17,666	17,666	17,666	+3,703	D
8000	Program Administration	12,173	12,046	12,046	12,046	15,796	+3,623	D
8050	Total, Mine Safety and Health Administration	268,857	275,567	275,567	280,002	281,535	+12,678	
8100	BUREAU OF LABOR STATISTICS							
8150	SALARIES AND EXPENSES							
8200	Employment and Unemployment Statistics	160,431	164,026	164,026	164,026	164,026	+3,595	D
8250	Labor Market Information (Trust Funds)	74,667	78,473	78,473	78,473	78,473	+3,806	TF
8300	Prices and Cost of Living	166,344	170,736	170,736	170,736	170,736	+4,392	D
8350	Compensation and Working Conditions	77,614	79,827	79,827	79,827	79,827	+2,213	D
8400	Productivity and Technology	10,294	10,588	10,588	10,588	10,588	+294	D
8450	Executive Direction and Staff Services	29,146	29,868	29,868	29,868	29,868	+722	D
8500	Total, Bureau of Labor Statistics	518,496	533,518	533,518	533,518	533,518	+15,022	
8550	Federal Funds	443,829	455,045	455,045	455,045	455,045	+11,216	
8600	Trust Funds	74,667	78,473	78,473	78,473	78,473	+3,806	
8650	OFFICE OF DISABILITY EMPLOYMENT POLICY							D
8700	Ofce of Disability Employ. Policy, salaries & expenses	47,024	47,555	47,555	47,555	47,555	+531	D
8850	DEPARTMENTAL MANAGEMENT							
8900	SALARIES AND EXPENSES							
8950	Executive Direction	27,084	33,206	27,084	27,084	27,084	---	D
9000	Departmental IT Crosscut	48,219	33,565	30,000	33,565	30,000	-18,219	D
9050	Departmental Management Crosscut	4,965	10,100	5,000	4,965	5,000	+35	D
9100	Legal Services	80,412	84,007	80,412	84,007	80,412	---	D
9150	Trust Funds	314	322	314	322	314	---	TF
9200	International Labor Affairs	109,862	30,545	35,545	110,500	94,000	-15,862	D
9250	Administration and Management	33,153	32,675	32,675	33,859	32,675	-478	D
9275	Frances Perkins building security enhancements	---	15,000	7,000	15,000	7,000	+7,000	D
9300	Adjudication	25,872	26,683	25,872	26,683	25,872	---	D
9350	Women's Bureau	9,201	9,554	9,554	9,554	9,554	+353	D
9400	Civil Rights Activities	6,114	6,287	6,287	6,287	6,287	+173	D
9450	Chief Financial Officer	5,123	5,224	5,224	5,224	5,224	+101	D
9500	Total, Salaries and expenses	350,319	287,168	264,967	357,050	323,422	-26,897	
9550	Federal Funds	350,005	286,846	264,653	356,728	323,108	-26,897	
9600	Trust Funds	314	322	314	322	314	---	
9650	VETERANS EMPLOYMENT AND TRAINING							
9725	State administration, Grants	161,408	162,415	162,415	162,415	162,415	+1,007	TF
9900	Federal Administration	28,857	29,683	34,683	29,683	30,683	+1,826	TF
9925	National Veterans Training Institute	1,988	2,000	2,000	2,000	2,000	+12	TF
9950	Homeless Veterans Program	18,888	19,000	19,000	24,000	21,000	+2,112	D
10000	Veterans Workforce Investment Programs	7,505	7,550	7,550	8,683	8,550	+1,045	D FF
10050	Total, Veterans Employment and Training	218,646	220,648	225,648	226,781	224,648	+6,002	
10100	Federal Funds	26,393	26,550	26,550	32,683	29,550	+3,157	
10150	Trust Funds	192,253	194,098	199,098	194,098	195,098	+2,845	
10200	OFFICE OF THE INSPECTOR GENERAL							
10250	Program Activities	59,643	64,029	64,029	64,029	64,029	+4,386	D
10300	Trust Funds	5,696	5,561	5,561	5,561	5,561	-135	TF
10400	Total, Office of the Inspector General	65,339	69,590	69,590	69,590	69,590	+4,251	
10450	Federal funds	59,643	64,029	64,029	64,029	64,029	+4,386	
10500	Trust funds	5,696	5,561	5,561	5,561	5,561	-135	
10550	Total, Departmental Management	634,304	577,406	560,205	653,421	617,660	-16,644	
10600	Federal Funds	436,041	377,425	355,232	453,440	416,687	-19,354	
10650	Trust Funds	198,263	199,981	204,973	199,981	200,973	+2,710	

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
10675	WORKING CAPITAL FUND								
10680	Working capital fund	13,768	25,000	10,000	15,000	10,000	-3,768		
10700	Total, Title I, Department of Labor	15,283,808	15,267,349	14,992,358	15,432,189	15,399,053	+115,245		
10750	Federal Funds	11,484,601	11,471,063	11,208,498	11,597,200	11,535,603	+51,002		
10800	Current Year	(8,933,601)	(8,927,063)	(8,664,498)	(9,053,200)	(8,991,603)	(+58,002)		
10850	FY 2006	(2,551,000)	(2,544,000)	(2,544,000)	(2,544,000)	(2,544,000)	(-7,000)		
10900	Trust Funds	3,799,207	3,796,286	3,783,860	3,834,989	3,863,450	+64,243		
10930	Title I Footnotes:								
10931	1/ Funding from the Dislocated Worker National Reserve								
10932	2/ Two year availability.								
10950	TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES								
11000	HEALTH RESOURCES AND SERVICES ADMINISTRATION								
11050	HEALTH RESOURCES AND SERVICES								
11060	BUREAU OF PRIMARY HEALTH CARE								
11100	Community health centers	1,617,381	1,835,925	1,835,925	1,867,381	1,748,381	+131,000	D	
11125	Free Clinics Medical Malpractice	4,821	4,821	---	4,821	100	-4,721	D	
11130	Radiation Exposure Compensation Act	1,974	1,974	1,974	1,974	1,974	---	D	
11132	Community Access Program	83,674	9,998	---	88,674	83,674	---	D	
11134	Hansen's Disease Services	17,413	17,413	17,413	17,413	17,413	---	D	
11136	Buildings and Facilities	249	249	249	249	249	---	D	
11138	Payment to Hawaii, treatment of Hansen's	2,033	2,033	2,033	2,033	2,033	---	D	
11140	Black lung clinics	5,963	5,963	5,963	6,000	6,000	+37	D	
11142	Subtotal, Bureau of Primary Health Care	1,733,508	1,878,376	1,863,557	1,988,545	1,859,824	+126,316		
11149	BUREAU OF HEALTH PROFESSIONS								
11150	National Health Service Corps:								
11200	Field placements	45,506	45,735	45,506	45,735	45,506	---	D	
11250	Recruitment	124,397	159,132	124,397	127,397	87,078	-37,319	D	
11300	Subtotal, National Health Service Corps	169,903	204,867	169,903	173,132	132,584	-37,319		
11350	Health Professions								
11400	Training for Diversity:								
11450	Centers of excellence	33,882	---	33,882	33,882	33,882	---	D	
11500	Health careers opportunity program	35,935	---	35,935	35,935	35,935	---	D	
11550	Faculty loan repayment	1,313	---	1,313	1,313	1,313	---	D	
11600	Scholarships for disadvantaged students	47,510	9,897	47,510	47,510	47,510	---	D	
11650	Subtotal, Training for Diversity	118,640	9,897	118,640	118,640	118,640	---		UA
11700	Training in Primary Care Medicine and Dentistry	81,742	---	63,857	90,742	89,542	+7,800	D	UA
11750	Interdisciplinary Community-Based Linkages:								
11800	Area health education centers	29,206	---	29,206	29,206	29,206	---	D	
11850	Health education and training centers	3,851	---	3,851	3,851	3,851	---	D	
11900	Allied health and other disciplines	11,849	---	11,849	11,849	11,849	---	D	
11950	Geriatric programs	31,805	---	31,805	31,805	31,805	---	D	
12000	Quentin N. Burdick pgm for rural training	6,126	---	2,255	6,126	6,126	---	D	
12050	Subtotal, Interdisciplinary Comm. Linkages	82,837	---	78,966	82,837	82,837	---		UA
12100	Health Professions Workforce Info & Analysis	722	999	---	999	722	---	D	
12150	Public Health Workforce Development:								
12200	Public health, preventive med. & dental pgms	9,170	---	6,970	9,170	9,170	---	D	
12250	Health administration programs	1,079	---	1,045	1,079	1,079	---	D	
12300	Subtotal, Public Health Workforce Development	10,249	---	8,015	10,249	10,249	---		UA
12399	Nursing Programs:								
12400	Advanced Education Nursing	58,636	43,637	53,634	58,636	58,636	---	D	UA
12450	Nurse education, practice, and retention	31,768	41,765	36,765	41,765	36,765	+4,997	D	
12500	Nursing workforce diversity	16,402	21,399	16,402	21,399	16,402	---	D	UA
12505	Loan repayment and scholarship program	26,736	31,738	31,738	31,742	31,738	+5,002	D	
12515	Comprehensive geriatric education	3,478	3,478	3,478	3,478	3,478	---	D	
12520	Nursing faculty loan program	4,870	4,870	4,870	4,870	4,870	---	D	
12525	Subtotal, Nursing programs	141,890	146,887	146,887	161,890	151,889	+9,999		
12550	Subtotal, Health Professions	436,080	157,783	416,365	465,357	453,879	+17,799		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
12600	Children's Hospitals Graduate Medical Education	303,170	303,258	303,258	303,258	303,170	---	D	
12610	National Practitioner Data Bank	16,000	15,700	15,700	15,700	15,700	-300	D	
12615	User Fees	-16,000	-15,700	-15,700	-15,700	-15,700	+300	D	
12620	Health Care Integrity and Protection Data Bank	4,000	4,000	4,000	4,000	4,000	---	D	
12625	User Fees	-4,000	-4,000	-4,000	-4,000	-4,000	---	D	
12630	Subtotal, Bureau of Health Professions	909,153	665,908	889,526	941,747	889,633	-19,520		
12745	MATERNAL AND CHILD HEALTH BUREAU								
12750	Maternal and Child Health Block Grant	729,817	729,817	729,817	734,817	729,817	---	D	
12775	Sickle cell service demonstrations	---	---	---	---	200	+200		
12800	Traumatic Brain Injury	9,375	9,375	9,375	9,375	9,375	---	D	
12950	Healthy Start	97,751	97,751	97,751	105,000	103,376	+5,625	D	
13000	Universal Newborn Hearing	9,872	---	9,872	9,872	9,872	---	D	UA
13005	Emergency medical services for children	19,860	19,860	19,860	20,360	20,000	+140	D	
13010	Poison control	23,696	23,696	23,696	24,000	23,696	---	D	
13015	Subtotal, Maternal and Child Health Bureau	890,371	880,499	890,371	903,424	896,336	+5,965		
13020	HIV/AIDS BUREAU								
13025	Ryan White AIDS Programs:								
13030	Emergency Assistance	615,023	615,023	615,023	615,023	615,023	---	D	
13035	Comprehensive Care Programs	1,085,900	1,120,900	1,140,900	1,120,900	1,130,900	+45,000	D	
13040	AIDS Drug Assistance Program (ADAP) (NA)	(748,872)	(783,872)	(803,872)	(783,872)	(793,872)	(+45,000)	NA	
13045	Early Intervention Program	197,170	197,170	197,170	197,170	197,170	---	D	
13050	Pediatric HIV/AIDS	73,108	73,108	73,108	73,108	73,108	---	D	
13055	AIDS Dental Services	13,325	13,325	13,325	13,325	13,325	---	D	
13060	Education and Training Centers	35,335	35,335	35,335	35,335	35,335	---	D	
13065	Subtotal, Ryan White AIDS programs	2,019,861	2,054,861	2,074,861	2,054,861	2,064,861	+45,000		
13070	Evaluation Tap Funding (NA)	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---		
13075	Subtotal, Ryan White AIDs program level	2,044,861	2,079,861	2,099,861	2,079,861	2,089,861	+45,000		
13100	Emergency drug assistance	20,000	---	---	---	---	-20,000		
13105	Telehealth	3,949	3,949	3,949	5,000	3,949	---	D	
13110	Subtotal, HIV/AIDS Bureau	2,043,810	2,058,810	2,078,810	2,059,861	2,068,810	+25,000		
13200	SPECIAL PROGRAMS BUREAU								
13205	Organ Transplantation	24,632	24,632	24,632	24,632	24,632	---	D	UA
13210	Cord Blood Stem Cell Bank	9,941	9,941	---	9,941	9,941	---	D	
13215	Bone Marrow Program	22,662	22,662	25,662	22,662	25,662	+3,000	D	
13220	Trauma Care	3,449	---	3,449	4,000	3,449	---	D	UA
13225	State Planning Grants for Health Care Access	14,810	---	14,810	8,000	11,000	-3,810	D	UA
13230	Subtotal, Special programs bureau	75,494	57,235	68,553	69,235	74,684	-810		
13300	RURAL HEALTH PROGRAMS								
13305	Rural outreach grants	39,601	11,098	30,124	39,601	39,601	---	D	
13310	Rural Health Research	8,902	8,902	8,902	8,902	8,902	---	D	
13315	Rural Hospital Flexibility Grants	39,499	---	32,500	39,499	39,499	---	D	
13320	Rural and community access to emergency devices	10,933	2,015	5,000	10,933	9,000	-1,933	D	UA
13325	Rural EMS	497	---	---	997	500	+3	D	
13330	State Offices of Rural Health	8,390	8,390	8,390	8,390	8,390	---	D	UA
13335	Denali Commission	34,793	22,000	---	41,794	40,000	+5,207	D	
13340	Subtotal, Rural health programs	142,615	52,405	84,916	150,116	145,892	+3,277		
14300	Family Planning	278,283	278,283	278,283	308,283	288,283	+10,000	D	UA
14350	Health Care-related Facilities and activities	371,536	---	---	371,536	484,629	+113,093	D	
14850	Program Management	148,533	151,317	151,317	148,533	148,533	---	D	
14900	Total, Health resources and services	6,593,303	6,022,833	6,305,333	6,941,280	6,856,624	+263,321		
14910	Total, Health resources & services program level	(6,618,303)	(6,047,833)	(6,330,333)	(6,966,280)	(6,881,624)	(+263,321)		
14915	Evaluation tap funding	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---		
15050	HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM:								
15100	Liquidating account	(25,000)	(4,000)	(4,000)	(4,000)	(4,000)	(-21,000)	NA	
15150	Program management	3,353	3,270	3,270	3,270	3,270	-83	D	
15200	Total, HEAL	3,353	3,270	3,270	3,270	3,270	-83		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
15250	VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:								
15300	Post-FY 1988 claims	66,000	66,000	66,000	66,000	66,000	---	M	
15350	HRSA administration	3,190	3,176	3,176	3,176	3,176	-14	D	
15400	Total, Vaccine Injury Compensation Trust Fund	69,190	69,176	69,176	69,176	69,176	-14		
15450	Total, Health Resources and Services Admin	6,665,846	6,095,279	6,377,779	7,013,726	6,929,070	+263,224		
15475	Total, HRSA program level	(6,715,846)	(6,124,279)	(6,406,779)	(7,042,726)	(6,958,070)	(+242,224)		
15500	CENTERS FOR DISEASE CONTROL AND PREVENTION								
15600	Infectious Diseases	1,641,600	1,643,599	1,660,599	1,675,800	1,666,455	+24,855	D	UA
15601	Evaluation Tap Funding	(12,794)	(12,794)	(12,794)	(12,794)	(12,794)	---	NA	
15602	Subtotal, Program level	1,654,394	1,656,393	1,673,393	1,688,594	1,679,249	+24,855		
15650	Health Promotion	932,067	989,780	993,802	988,090	1,032,802	+100,735	D	
15700	Health Information and Service	96,449	96,449	96,523	96,449	95,247	-1,202	D	
15701	Evaluation Tap Funding	(120,243)	(120,243)	(139,209)	(139,209)	(134,235)	(+13,992)	NA	
15702	Subtotal, Program level	216,692	216,692	235,732	235,658	229,482	+12,790		
15750	Environmental health and injury	282,926	282,926	287,327	290,126	288,168	+5,242	D	
15800	Occupational safety and health 1/	241,307	242,906	244,505	212,490	200,674	-40,633	D	
15810	Evaluation Tap Funding	(35,681)	(35,681)	(35,681)	(82,097)	(87,071)	(+51,390)	NA	
15815	Subtotal, Program level	276,988	278,587	280,186	294,587	287,745	+10,757		
15850	Global health	279,943	304,445	302,051	305,239	296,380	+16,437	D	UA
15900	Public Health research	29,107	---	14,583	---	---	-29,107	D	
15910	Evaluation Tap Funding	---	(15,000)	(15,000)	(35,000)	(31,000)	(+31,000)	NA	
15915	Subtotal, Program level	29,107	15,000	29,583	35,000	31,000	+1,893		
15950	Public health improvement and leadership	220,225	188,074	187,312	261,858	269,145	+48,920	D	
15951	Evaluation Tap Funding	(12,463)	(12,463)	(12,463)	---	---	(-12,463)	NA	
15952	Subtotal, Program level	232,688	200,537	199,775	261,858	269,145	+36,457		
16000	Preventive health and health services block grant	131,814	131,814	108,516	131,814	131,814	---	D	
16050	Buildings and Facilities	260,454	81,500	81,500	294,500	272,000	+11,546	D	
16150	Business services	251,273	252,061	252,060	282,226	281,226	+29,953	D	
16155	Evaluation Tap Funding	(30,953)	(33,953)	(33,953)	---	---	(-30,953)	NA	
16157	Subtotal, Program level	282,226	286,014	286,013	282,226	281,226	-1,000		
16400	Total, Centers for Disease Control	4,367,165	4,213,554	4,228,778	4,538,592	4,533,911	+166,746		
16420	Evaluation Tap Funding (NA)	(212,134)	(230,134)	(249,100)	(269,100)	(265,100)	(+52,966)		
16425	Total, Centers for Disease Control program level	(4,579,299)	(4,443,688)	(4,477,878)	(4,807,692)	(4,799,011)	(+219,712)		
16550	NATIONAL INSTITUTES OF HEALTH								
16600	National Cancer Institute	4,735,973	4,865,525	4,870,025	4,894,900	4,865,525	+129,552	D	UA
16610	Evaluation Tap Funding	---	(4,500)	---	---	---	---	NA	
16650	National Heart, Lung, and Blood Institute	2,878,106	2,965,453	2,963,953	2,985,900	2,965,453	+87,347	D	UA
16700	National Institute of Dental & Craniofacial Research	383,048	394,080	394,080	399,200	395,080	+12,032	D	
16740	National Institute of Diabetes and Digestive and Kidney Diseases	1,671,240	1,727,696	1,726,196	1,739,100	1,727,696	+56,456	D	
16775	Juvenile diabetes (mandatory)	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	---	NA	
16780	Subtotal, NIDDK	1,821,240	1,877,696	1,876,196	1,889,100	1,877,696	+56,456	NA	
16800	National Institute of Neurological Disorders & Stroke	1,500,693	1,547,123	1,545,623	1,569,100	1,552,123	+51,430	D	
16850	National Institute of Allergy and Infectious Diseases	4,153,925	4,340,007	4,340,007	4,307,185	4,340,007	+186,082	D	
16900	Global HIV/AIDS Fund Transfer	149,115	100,000	100,000	149,115	100,000	-49,115	D	
16950	Subtotal, NIAID	4,303,040	4,440,007	4,440,007	4,456,300	4,440,007	+136,967	D	

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
17000	National Institute of General Medical Sciences	1,904,777	1,959,810	1,959,810	1,975,500	1,959,810	+55,033	D	
17050	National Institute of Child Health & Human Development	1,241,845	1,280,915	1,280,915	1,288,900	1,280,915	+39,070	D	
17100	National Eye Institute	652,738	671,578	671,578	680,300	674,578	+21,840	D	
17150	National Institute of Environmental Health Sciences	631,063	650,027	650,027	655,100	650,027	+18,964	D	
17250	National Institute on Aging	1,024,598	1,055,666	1,055,666	1,094,500	1,060,666	+36,068	D	UA
17300	National Institute of Arthritis and Musculoskeletal								
17350	and Skin Diseases	500,908	515,378	515,378	520,900	515,378	+14,470	D	
17400	National Institute on Deafness and Other Communication								
17450	Disorders	381,946	393,507	393,507	399,000	397,507	+15,561	D	
17500	National Institute of Nursing Research	134,701	139,198	139,198	140,200	139,198	+4,497	D	
17550	National Institute on Alcohol Abuse and Alcoholism	428,425	441,911	441,911	444,900	441,911	+13,486	D	UA
17600	National Institute on Drug Abuse	990,787	1,012,760	1,012,760	1,026,200	1,014,760	+23,973	D	UA
17610	Evaluation tap funding	---	(6,300)	(6,300)	---	---	---	NA	
17650	National Institute of Mental Health	1,381,266	1,420,609	1,420,609	1,436,800	1,423,609	+42,343	D	UA
17700	National Human Genome Research Institute	478,828	492,670	492,670	496,400	492,670	+13,842	D	
17750	National Institute of Biomedical Imaging and								
17800	Bioengineering	288,830	297,647	297,647	300,800	300,647	+11,817	D	UA
17850	National Center for Research Resources	1,178,956	1,094,141	1,094,141	1,213,400	1,124,141	-54,815	D	
17900	National Center for Complementary and Alternative								
17950	Medicine	116,943	121,116	121,116	121,900	123,116	+6,173	D	
18000	National Center on Minority Health and Health								
18050	Disparities	191,456	196,780	196,780	197,900	197,780	+6,324	D	
18100	John E. Fogarty International Center	65,344	67,182	67,182	67,600	67,182	+1,838	D	
18150	National Library of Medicine	308,476	316,947	316,947	316,900	317,947	+9,471	D	UA
18155	Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	(8,200)	(8,200)	---	NA	
18157	Subtotal, NLM	316,676	325,147	325,147	325,100	326,147	+9,471		
18200	Office of the Director	327,089	359,645	359,645	364,100	361,145	+34,056	D	
18250	Buildings and Facilities	98,972	99,500	99,500	114,500	111,177	+12,205	D	
18400	Total, National Institutes of Health (NIH)	27,800,048	28,526,871	28,526,871	28,900,300	28,600,048	+800,000		
18450	Global HIV/AIDS Fund Transfer	-149,115	-100,000	-100,000	-149,115	-100,000	+49,115		
18480	Evaluation Tap Funding	(8,200)	(19,000)	(14,500)	(8,200)	(8,200)	---		
18500	Total, NIH, Program Level	(27,659,133)	(28,445,871)	(28,441,371)	(28,759,385)	(28,508,248)	(+849,115)		
18600	SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES								
18601	ADMINISTRATION (SAMHSA)								
18650	Mental Health:								
18700	Programs of Regional and National Significance	240,796	270,548	257,420	303,128	276,646	+35,850	D	
18750	Mental Health block grant	412,840	414,267	414,267	414,267	414,267	+1,427	D	
18775	Evaluation Tap Funding	(21,850)	(21,803)	(21,803)	(21,803)	(21,803)	(-47)	NA	
18800	Children's Mental Health	102,354	106,013	106,013	106,013	106,013	+3,659	D	
18850	Grants to States for the Homeless (PATH)	49,760	55,251	55,251	55,251	55,251	+5,491	D	
18875	Samaritan initiative	---	10,000	---	---	---	---	D	
18900	Protection and Advocacy	34,620	34,620	36,000	34,620	34,620	---	D	
18950	Subtotal, Mental Health	840,370	890,699	868,951	913,279	886,797	+46,427		
19000	Substance Abuse Treatment:								
19050	Programs of Regional and National Significance	419,219	512,732	414,919	419,717	421,646	+2,427	D	
19075	Evaluation Tap Funding	---	(4,300)	(4,300)	(4,300)	(4,300)	(+4,300)	NA	
19100	Substance Abuse block grant	1,699,946	1,753,035	1,710,035	1,753,035	1,710,035	+10,089	D	
19125	Evaluation Tap Funding	(79,200)	(79,200)	(79,200)	(79,200)	(79,200)	---	NA	
19150	Subtotal, Substance Abuse Treatment	2,119,165	2,265,767	2,124,954	2,172,752	2,131,681	+12,516		
19155	Subtotal, Program level	2,198,365	2,349,267	2,208,454	2,256,252	2,215,181	+16,816		
19200	Substance Abuse Prevention:								
19250	Programs of Regional and National Significance	198,458	196,018	200,000	198,940	200,428	+1,970	D	
19350	Program Management and Buildings and Facilities	75,915	76,455	76,455	76,455	76,455	+540	D	
19352	Evaluation Tap funding (NA)	(16,000)	(16,000)	(16,000)	(18,000)	(18,000)	(+2,000)	NA	
19353	Subtotal, Program level	91,915	92,455	92,455	94,455	94,455	+2,540		
19400	Total, SAMHSA	3,233,908	3,428,939	3,270,360	3,361,426	3,295,361	+61,453		UA
19405	Evaluation Tap funding	(117,050)	(121,303)	(121,303)	(123,303)	(123,303)	(+6,253)		
19410	Total, SAMHSA program level	(3,350,958)	(3,550,242)	(3,391,663)	(3,484,729)	(3,418,664)	(+67,706)		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable	
19500	AGENCY FOR HEALTHCARE RESEARCH AND QUALITY							
19550	Research on Health Costs, Quality, and Outcomes:							
19650	Evaluation Tap funding (NA)	(245,695)	(245,695)	(245,695)	(260,695)	(260,695)	(+15,000)	NA
19700	Clinial effectiveness research (non-add)	---	---	---	(15,000)	(15,000)	(+15,000)	NA
19750	Reducing medical errors (non-add)	(79,500)	(84,000)	(84,000)	(84,000)	(84,000)	(+4,500)	NA
19800	Subtotal (including Evaluation Tap funding)	(245,695)	(245,695)	(245,695)	(260,695)	(260,695)	(+15,000)	
19850	Health Insurance and Expenditure Surveys:							NA
19950	Evaluation Tap funding (NA)	(55,300)	(55,300)	(55,300)	(55,300)	(55,300)	---	NA
20100	Program Support:							D
20150	Evaluation Tap funding (NA)	(2,700)	(2,700)	(2,700)	(2,700)	(2,700)	---	NA
20300	Total, AHRQ Evaluation Tap funding (NA)	(303,695)	(303,695)	(303,695)	(318,695)	(318,695)	(+15,000)	
20350	Total, Public Health Service appropriation	42,066,967	42,264,643	42,403,788	43,814,044	43,358,390	+1,291,423	
20355	Total, Public Health Service program level	(42,608,931)	(42,867,775)	(43,021,386)	(44,413,227)	(44,002,688)	(+1,393,757)	
20500	CENTERS FOR MEDICARE AND MEDICAID SERVICES							
20550	GRANTS TO STATES FOR MEDICAID							
20600	Medicaid current law benefits	172,706,067	167,013,865	167,013,865	167,013,865	167,013,865	-5,692,202	M
20650	State and local administration	9,067,320	9,318,602	9,318,602	9,318,602	9,318,602	+251,282	M
20700	Vaccines for Children	980,196	1,208,296	1,208,296	1,208,296	1,208,296	+228,100	M
20750	Subtotal, Medicaid program level	182,753,583	177,540,763	177,540,763	177,540,763	177,540,763	-5,212,820	
20850	Less funds advanced in prior year	-51,861,386	-58,416,275	-58,416,275	-58,416,275	-58,416,275	-6,554,889	M
20900	Total, Grants to States for medicaid	130,892,197	119,124,488	119,124,488	119,124,488	119,124,488	-11,767,709	
20950	New advance, 1st quarter	58,416,275	58,517,290	58,517,290	58,517,290	58,517,290	+101,015	M
21000	PAYMENTS TO HEALTH CARE TRUST FUNDS							
21050	Supplemental medical insurance	94,518,000	114,002,000	114,002,000	114,002,000	114,002,000	+19,484,000	M
21100	Hospital insurance for the uninsured	197,000	87,000	87,000	87,000	87,000	-110,000	M
21150	Federal uninsured payment	168,000	199,000	199,000	199,000	199,000	+31,000	M
21200	Program management	201,100	215,000	215,000	215,000	215,000	+13,900	M
21225	Prescription drug eligibility determinations	---	105,900	105,900	105,900	105,900	+105,900	M
21250	Subtotal, Payments to Trust Funds, current law	95,084,100	114,608,900	114,608,900	114,608,900	114,608,900	+19,524,800	
21275	New Advance FY 2006	---	5,216,900	5,216,900	5,216,900	5,216,900	+5,216,900	
21280	Total, Payments to Trust Funds, current law	95,084,100	119,825,800	119,825,800	119,825,800	119,825,800	+24,741,700	
21300	PROGRAM MANAGEMENT							
21325	Medicare reform funding 2/ 3/ 4/	(1,000,000)	(250,000)	(250,000)	(250,000)	(250,000)	(-750,000)	NA
21400	Research, Demonstration, Evaluation	77,791	68,274	68,400	77,791	78,119	+328	TF
21450	Medicare Operations	1,701,038	1,793,879	1,793,879	1,796,879	1,746,879	+45,841	TF
21500	H.R. 3103 funding (NA)	(720,000)	(720,000)	(720,000)	(720,000)	(720,000)	---	NA
21650	Subtotal, Medicare Operations program level	(2,421,038)	(2,513,879)	(2,513,879)	(2,516,879)	(2,466,879)	(+45,841)	
21680	Revitalization plan	29,619	24,400	24,400	24,400	24,400	-5,219	TF
21700	State Survey and Certification	251,252	270,392	270,392	270,392	260,822	+9,570	TF
21800	Federal Administration	577,146	589,182	589,182	587,182	586,182	+9,036	TF
21950	Total, Program management, Limitation on new BA	2,636,846	2,746,127	2,746,253	2,756,644	2,696,402	+59,556	
22000	Total, Program management, program level	(3,356,846)	(3,466,127)	(3,466,253)	(3,476,644)	(3,416,402)	(+59,556)	
22050	Total, Center for Medicare and Medicaid Services	287,029,418	300,213,705	300,213,831	300,224,222	300,163,980	+13,134,562	
22100	Federal funds	284,392,572	297,467,578	297,467,578	297,467,578	297,467,578	+13,075,006	
22150	Current year	(225,976,297)	(233,733,388)	(233,733,388)	(233,733,388)	(233,733,388)	(+7,757,091)	
22200	New advance, FY 2006	(58,416,275)	(63,734,190)	(63,734,190)	(63,734,190)	(63,734,190)	(+5,317,915)	
22250	Trust Funds	2,636,846	2,746,127	2,746,253	2,756,644	2,696,402	+59,556	
22300	ADMINISTRATION FOR CHILDREN AND FAMILIES							
22350	FAMILY SUPPORT PAYMENTS TO STATES							
22400	Payments to territories	23,000	23,000	23,000	23,000	23,000	---	M
22450	Repatriation	1,000	1,000	1,000	1,000	1,000	---	M
22500	Subtotal, Welfare payments	24,000	24,000	24,000	24,000	24,000	---	

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
22550	Child Support Enforcement:								
22600	State and local administration	3,897,674	3,940,698	3,940,698	3,940,698	3,990,698	+93,024	M	
22650	Federal incentive payments	454,000	446,000	446,000	446,000	446,000	-8,000	M	
22750	Access and visitation	10,000	12,000	12,000	12,000	10,000	---	M	
22800	Subtotal, Child Support Enforcement	4,361,674	4,398,698	4,398,698	4,398,698	4,446,698	+85,024		
22840	Prior year AFDC payments	20,000	---	---	---	---	-20,000	M	
22850	Total, Family support payments program level	4,405,674	4,422,698	4,422,698	4,422,698	4,470,698	+65,024		
22900	Less funds advanced in previous years	-1,100,000	-1,200,000	-1,200,000	-1,200,000	-1,200,000	-100,000	M	
22950	Total, Family support payments, current request	3,305,674	3,222,698	3,222,698	3,222,698	3,270,698	-34,976		
23000	Plus New advance, 1st quarter, FY 2006	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	---	M	
23010	Total, Family support payments	4,505,674	4,422,698	4,422,698	4,422,698	4,470,698	-34,976		
23020	LOW INCOME HOME ENERGY ASSISTANCE PROGRAM								
23050	Formula grants	1,789,380	1,800,500	1,911,000	1,901,090	1,900,000	+110,620	D	
23060	Emergency allocation:								
23150	Contingent emergency allocation	99,410	200,000	100,000	99,410	---	-99,410	D	
23155	Emergency allocation	---	---	---	---	300,000	+300,000	D	
23157	Department of Energy-Weatherization Assistance5/6/	227,166	291,200	238,000	---	---	-227,166	D	UA
23160	Total, Low income home energy assistance	2,115,956	2,291,700	2,249,000	2,000,500	2,200,000	+84,044		
23200	REFUGEE AND ENTRANT ASSISTANCE								
23250	Transitional and Medical Services	168,975	193,577	193,577	193,577	193,577	+24,602	D	
23300	Victims of Trafficking	9,909	10,000	10,000	10,000	10,000	+91	D	
23350	Social Services	152,218	151,121	166,218	155,121	166,218	+14,000	D	
23400	Preventive Health	4,792	4,835	4,835	4,835	4,835	+43	D	
23450	Targeted Assistance	49,025	49,477	49,477	49,477	49,477	+452	D	
23475	Unaccompanied minors	52,770	54,229	54,229	54,229	54,229	+1,459	D	
23500	Victims of Torture	9,909	10,000	13,000	10,000	10,000	+91	D	
23550	Total, Refugee and entrant assistance	447,598	473,239	491,336	477,239	488,336	+40,738		
23650	CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,087,310	2,099,729	2,099,729	2,099,729	2,099,729	+12,419	D	UA
23700	SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000	---	M	
23750	CHILDREN AND FAMILIES SERVICES PROGRAMS								
23800	Programs for Children, Youth and Families:								
23850	Head Start, current funded	5,383,108	5,543,580	5,498,580	5,535,452	5,498,580	+115,472	D	
23900	Advance from prior year	(1,391,740)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(+8,260)	NA	
23950	FY 2006	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	---	D	
24000	Subtotal, Head Start, program level	6,774,848	6,943,580	6,898,580	6,935,452	6,898,580	+123,732		UA
24050	Consolidated Runaway, Homeless Youth Program	89,431	89,447	89,447	95,000	89,447	+16	D	
24100	Maternity Group Homes	---	10,000	---	---	---	---	D	
24125	Prevention grants to reduce abuse of runaway youth	15,302	15,302	15,302	15,802	15,302	---	D	
24150	Child Abuse State Grants	21,883	42,013	28,484	27,500	27,500	+5,617	D	
24200	Child Abuse Discretionary Activities	34,386	26,266	26,266	34,386	31,912	-2,474	D	
24225	Community based child abuse prevention	33,205	65,002	43,205	43,205	43,205	+10,000	D	
24250	Abandoned Infants Assistance	12,052	12,086	12,086	12,052	12,052	---	D	
24300	Child Welfare Services	289,320	291,986	291,986	291,986	291,986	+2,666	D	
24350	Child Welfare Training	7,411	7,470	7,470	7,470	7,470	+59	D	
24400	Adoption Opportunities	27,103	27,343	27,343	27,343	27,343	+240	D	
24500	Adoption Incentive (no cap adjustment)	7,456	32,103	32,103	32,103	32,103	+24,647	D	
24550	Adoption Awareness	12,785	12,906	12,906	12,906	12,906	+121	D	
24600	Compassion Capital Fund	47,702	100,000	55,000	47,702	55,000	+7,298	D	
24650	Social Services and Income Maintenance Research	13,168	5,982	---	13,168	26,229	+13,061	D	
24655	Evaluation tap funding	(6,000)	---	(5,982)	(6,000)	(6,000)	---	NA	
24657	Subtotal, Program level	19,168	5,982	5,982	19,168	32,229	+13,061		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
24750	Developmental Disabilities Programs:								
24800	State Councils	73,081	73,081	73,081	73,081	73,081	---	D	
24850	Protection and Advocacy	38,416	38,416	38,416	40,000	38,416	---	D	
24875	Voting access for individuals with disabilities	14,911	14,912	15,000	14,912	15,000	+89	D	
24899	Developmental Disabilities Projects of National							D	
24900	Significance	11,561	11,642	11,642	11,642	11,642	+81	D	
24949	University Centers for Excellence in Developmental							D	
24950	Disabilities	26,803	26,803	26,803	31,803	31,803	+5,000	D	
25000	Subtotal, Developmental disabilities programs	164,772	164,854	164,942	171,438	169,942	+5,170		
25050	Native American Programs	45,157	45,155	45,155	45,157	45,157	---	D	
25100	Community Services:								
25150	Grants to States for Community Services	641,935	494,946	627,500	650,000	641,935	---	D	UA
25200	Community Initiative Program:								
25250	Economic Development	32,338	32,492	32,492	38,000	33,000	+662	D	UA
25300	Individual Development Account Initiative	24,695	24,912	24,912	24,912	24,912	+217	D	UA
25350	Rural Community Facilities	7,184	---	7,184	7,500	7,300	+116	D	UA
25400	Subtotal, Community Initiative Program	64,217	57,404	64,588	70,412	65,212	+995		
25450	National Youth Sports	17,894	---	18,000	---	18,000	+106	D	UA
25500	Community Food and Nutrition	7,238	---	---	7,238	7,238	---	D	UA
25550	Subtotal, Community Services	731,284	552,350	710,088	727,650	732,385	+1,101		
25650	Domestic Violence Hotline	2,982	3,000	3,000	3,500	3,250	+268	D	
25700	Family Violence/Battered Women's Shelters	125,648	125,648	125,648	128,000	126,648	+1,000	D	
25750	Early Learning Fund	33,580	---	---	36,000	36,000	+2,420	D	
25800	Faith-Based Center	1,386	1,400	1,400	1,386	1,386	---	D	
25900	Mentoring Children of Prisoners	49,701	50,000	50,000	50,000	50,000	+299	D	
25950	Independent Living Training Vouchers	44,734	60,000	50,000	44,734	47,000	+2,266	D	
25975	Promoting Responsible Fatherhood and healthy marriages	---	50,000	---	---	---	---	D	UA
25980	Abstinence Education	70,049	181,926	105,046	100,000	100,000	+29,951	D	
25990	Evaluation Tap Funding	(4,500)	(4,500)	(4,500)	(4,500)	(4,500)	---	NA	
26000	Program Direction	177,894	190,206	190,206	190,206	187,050	+9,156	D	
26050	Total, Children and Families Services Programs	8,841,499	9,106,025	8,985,663	9,094,146	9,069,853	+228,354		
26100	Current Year	(7,441,499)	(7,706,025)	(7,585,663)	(7,694,146)	(7,669,853)	(+228,354)		
26150	FY 2006	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	---		
26160	Evaluation Tap funding	(10,500)	(4,500)	(10,482)	(10,500)	(10,500)	---		
26180	Total, Program level	8,851,999	9,110,525	8,996,145	9,104,646	9,080,353	+228,354		
26250	PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	305,000	305,000	---	M	
26300	Discretionary Funds	99,383	200,000	105,000	99,383	99,383	---	D	
26350	PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION								
26400	Foster Care	4,974,200	4,895,500	4,895,500	4,895,500	4,895,500	-78,700	M	
26450	Adoption Assistance	1,699,700	1,770,100	1,770,100	1,770,100	1,770,100	+70,400	M	
26500	Independent living	140,000	140,000	140,000	140,000	140,000	---	M	
26550	Total, Payments to States	6,813,900	6,805,600	6,805,600	6,805,600	6,805,600	-8,300		
26600	Less Advances from Prior Year	-1,745,600	-1,767,700	-1,767,700	-1,767,700	-1,767,700	-22,100	M	
26650	Total, payments, current year	5,068,300	5,037,900	5,037,900	5,037,900	5,037,900	-30,400		
26700	New Advance, 1st quarter	1,767,700	1,767,200	1,767,200	1,767,200	1,767,200	-500	M	
26750	Total, Administration for Children & Families	26,938,420	27,403,491	27,163,526	27,003,795	27,238,099	+299,679		
26800	Current year	(22,570,720)	(23,036,291)	(22,796,326)	(22,636,595)	(22,870,899)	(+300,179)		
26850	FY 2006	(4,367,700)	(4,367,200)	(4,367,200)	(4,367,200)	(4,367,200)	(-500)		
26875	Evaluation Tap funding	(10,500)	(4,500)	(10,482)	(10,500)	(10,500)	---		
26880	Total, Administration for Children & Families	26,948,920	27,407,991	27,174,008	27,014,295	27,248,599	+299,679		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
26900	ADMINISTRATION ON AGING								
26950	Grants to States:								
27000	Supportive Services and Centers	353,889	357,000	357,000	357,000	357,000	+3,111	D	
27050	Preventive Health	21,790	21,919	21,919	21,919	21,790	---	D	
27100	Protection of vulnerable older americans-Title VII	19,444	18,559	18,559	20,474	19,444	---	D	
27150	Family Caregivers	152,738	155,512	157,000	157,000	157,000	+4,262	D	
27200	Native American Caregivers Support	6,318	6,355	6,355	6,355	6,355	+37	D	
27250	Subtotal, Caregivers	159,056	161,867	163,355	163,355	163,355	+4,299		
27300	Nutrition:								
27350	Congregate Meals	386,353	388,646	392,148	388,646	390,397	+4,044	D	
27400	Home Delivered Meals	179,917	180,985	187,616	180,985	184,301	+4,384	D	
27425	Nutrition Services Incentive Program	148,191	149,183	150,414	149,183	149,799	+1,608	D	
27430	Subtotal, Nutrition	714,461	718,814	730,178	718,814	724,497	+10,036		
27440	Subtotal, Grants to States	1,268,640	1,278,159	1,291,011	1,281,562	1,286,086	+17,446		
27450	Grants for Native Americans	26,453	26,612	26,612	26,612	26,612	+159	D	
27500	Program Innovations	33,509	23,843	37,943	37,647	43,640	+10,131	D	
27550	Aging Network Support Activities	13,294	13,373	13,373	13,373	13,373	+79	D	
27600	Alzheimer's Disease Demonstrations	11,883	11,500	11,500	12,883	11,883	---	D	
27625	White House Conference on Aging	2,814	4,558	4,558	4,558	4,558	+1,744	D	
27650	Program Administration	17,324	18,482	18,482	18,482	18,482	+1,158	D	
27700	Total, Administration on Aging	1,373,917	1,376,527	1,403,479	1,395,117	1,404,634	+30,717		
27750	OFFICE OF THE SECRETARY								
27800	GENERAL DEPARTMENTAL MANAGEMENT:								
27850	Federal Funds	174,811	180,045	149,045	189,065	192,947	+18,136	D	
27900	Medicare claims appeals	---	---	---	---	50,000	+50,000	TF	
27950	Trust Funds	5,816	5,851	5,851	5,851	5,851	+35	TF	
28050	Subtotal	(180,627)	(185,896)	(154,896)	(194,916)	(248,798)	(+68,171)		
28100	Adolescent Family Life (Title XX)	30,946	54,349	31,229	35,000	31,229	+283	D	UA
28150	National Abstinence Education Campaign 7/	---	---	---	2,500	---	---	D	
28200	Minority health	55,190	47,236	47,236	53,351	51,011	-4,179	D	
28250	Office of women's health	28,915	29,103	29,103	29,103	29,103	+188	D	
28500	Minority HIV/AIDS	49,544	52,838	52,838	52,838	52,838	+3,294	D	
28520	Health care information technology	---	50,000	25,000	---	---	---	D	
28550	IT Security and Innovation Fund	14,847	18,400	14,847	14,847	14,847	---	D	
28580	Evaluation tap funding (ASPE) (NA)	(21,552)	(21,552)	(21,552)	(21,552)	(21,552)	---	NA	
28600	Total, General Departmental Management	360,069	437,822	355,149	382,555	427,826	+67,757		
28650	Federal Funds	354,253	431,971	349,298	376,704	371,975	+17,722		
28700	Trust Funds	5,816	5,851	5,851	5,851	55,851	+50,035		
28775	Evaluation tap funding	21,552	21,552	21,552	21,552	21,552	---		
28850	OFFICE OF THE INSPECTOR GENERAL:								
28900	Federal Funds	39,094	40,323	40,323	40,323	40,323	+1,229	D	
28950	HIPAA funding (NA)	(160,000)	(160,000)	(160,000)	(160,000)	(160,000)	---	NA	
29050	Total, Inspector General program level	(199,094)	(200,323)	(200,323)	(200,323)	(200,323)	(+1,229)		
29100	OFFICE FOR CIVIL RIGHTS:								
29150	Federal Funds	30,607	32,043	32,043	32,043	32,043	+1,436	D	
29200	Trust Funds	3,294	3,314	3,314	3,314	3,314	+20	TF	
29250	Total, Office for Civil Rights	33,901	35,357	35,357	35,357	35,357	+1,456		
29400	POLICY RESEARCH:								
29405	Federal Funds	---	---	---	---	---	---	D	
29410	Evaluation Tap funding (NA)	(20,750)	(28,750)	(20,750)	(28,750)	(20,750)	---	NA	
29420	Total, Policy Research	20,750	28,750	20,750	28,750	20,750	---		
29450	MEDICAL BENEFITS FOR COMMISSIONED OFFICERS								
29500	Retirement payments	228,064	241,294	241,294	241,294	241,294	+13,230	M	
29550	Survivors benefits	14,298	14,750	14,750	14,750	14,750	+452	M	
29600	Dependents' medical care	79,401	74,592	74,592	74,592	74,592	-4,809	M	
29655	Total,Medical benefits for Commissioned Officers	321,763	330,636	330,636	330,636	330,636	+8,873		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
29750	PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND								
29760	HRSA homeland security activities	542,649	503,649	542,649	503,649	523,149	-19,500	D	
29770	CDC homeland security activities 8/	1,507,211	1,509,571	1,637,760	1,639,571	1,573,300	+66,089	D	
29780	NIH homeland security activities	---	47,400	47,400	47,400	47,400	+47,400	D	
29790	Office of the Secretary homeland sercurity activities.	64,438	64,438	64,438	64,438	64,438	---	D	
29800	Other PHSSEF homeland security activities	49,705	100,000	60,000	75,000	100,000	+50,295	D	
29810	Total, PHSSEF	2,164,003	2,225,058	2,352,247	2,330,058	2,308,287	+144,284		
29900	Total, Office of the Secretary	2,918,830	3,069,196	3,113,712	3,118,929	3,142,429	+223,599		
29950	Federal Funds	2,909,720	3,060,031	3,104,547	3,109,764	3,083,264	+173,544		
30000	Trust Funds	9,110	9,165	9,165	9,165	59,165	+50,055		
30100	Total, Title II, Dept of Health & Human Services	360,327,552	374,327,562	374,298,336	375,556,107	375,307,532	+14,979,980		
30150	Federal Funds	357,681,596	371,572,270	371,542,918	372,790,298	372,551,965	+14,870,369		
30200	Current year	(294,897,621)	(303,470,880)	(303,441,528)	(304,688,908)	(304,450,575)	(+9,552,954)		
30250	FY 2006	(62,783,975)	(68,101,390)	(68,101,390)	(68,101,390)	(68,101,390)	(+5,317,415)		
30300	Trust Funds	2,645,956	2,755,292	2,755,418	2,765,809	2,755,567	+109,611		

30310 Title II Footnotes:
30312 1/ Includes Mine Safety and Health.
30314 2/ Funds provided in P.L. 108-173, the 2003 Medicare
30316 Prescription Drug, Improvement & Modernization Act
30318 3/ $1 billion available for fiscal years 2004-2005.
30320 4/ $250 million available for fiscal years 2005-2008.
30322 5/ FY 2005 House jurisdiction change--account moved
30324 from Interior Appropriations.
30326 6/ Weatherization assistance funds transferred to and
30328 administered by Department of Energy.
30330 7/ Senate display. Funds are within Abstinence
30332 Education in ACF.
30334 8/ House display. Senate breaks out the Stockpile
30336 funds separately.

30350 TITLE III - DEPARTMENT OF EDUCATION

30400 EDUCATION FOR THE DISADVANTAGED

30450	Grants to Local Educational Agencies (LEAs)								
30500	Basic Grants								
30550	Advance from prior year	(2,011,272)	(1,883,584)	(1,883,584)	(1,883,584)	(1,883,584)	(-127,688)	NA	
30600	Forward funded	5,150,529	6,150,508	6,150,508	6,194,249	5,650,508	+499,979	D	FF
30650	Current funded	3,479	3,500	3,500	75,057	3,500	+21	D	
30700	Subtotal, Basic grants current year approp.	5,154,008	6,154,008	6,154,008	6,269,306	5,654,008	+500,000		
30750	Subtotal, Basic grants total funds available	(7,165,280)	(8,037,592)	(8,037,592)	(8,152,890)	(7,537,592)	(+372,312)		
30800	Basic Grants FY 2006 Advance	1,883,584	883,584	883,584	835,141	1,383,584	-500,000	D	
30850	Subtotal, Basic grants, program level	7,037,592	7,037,592	7,037,592	7,104,447	7,037,592	---		
30900	Concentration Grants								
30950	Advance from prior year	(1,365,031)	(1,365,031)	(1,365,031)	(1,365,031)	(1,365,031)	---	NA	
31000	FY 2006 Advance	1,365,031	1,365,031	1,365,031	1,365,031	1,365,031	---	D	
31050	Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	1,365,031	1,365,031	---		
31100	Targeted Grants								
31150	Advance from prior year	(1,670,239)	(1,969,843)	(1,969,843)	(1,969,843)	(1,969,843)	(+299,604)	NA	
31200	FY 2006 Advance	1,969,843	4,146,187	2,469,843	2,231,954	2,219,843	+250,000	D	
31250	Subtotal, Targeted Grants program level	1,969,843	4,146,187	2,469,843	2,231,954	2,219,843	+250,000		
31300	Education Finance Incentive Grants								
31350	Advance from prior year	(1,541,759)	(1,969,843)	(1,969,843)	(1,969,843)	(1,969,843)	(+428,084)	NA	
31400	FY 2006 Advance	1,969,843	793,499	2,469,843	2,756,175	2,219,843	+250,000	D	
31450	Subtotal, Education Finance Incentive Grants	1,969,843	793,499	2,469,843	2,756,175	2,219,843	+250,000		
31500	Subtotal, Grants to LEAs, program level	12,342,309	13,342,309	13,342,309	13,457,607	12,842,309	+500,000		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
31550 Even Start	246,910	---	226,910	---	226,910	-20,000	D	FF
31600 Reading First:								
31655 State Grants (forward funded)	828,923	930,000	930,000	867,000	855,000	+26,077	D	FF
31750 Advance from prior year	(195,000)	(195,000)	(195,000)	(195,000)	(195,000)	---	NA	
31800 FY 2006 Advance	195,000	195,000	195,000	195,000	195,000	---	D	
31850 Subtotal, Reading First State Grants	1,023,923	1,125,000	1,125,000	1,062,000	1,050,000	+26,077		
31890 Early Reading First	94,439	132,000	132,000	110,000	105,000	+10,561	D	
31895 Striving readers	---	100,000	100,000	25,000	25,000	+25,000	D	
31900 Literacy through School Libraries	19,842	19,842	19,842	22,842	19,842	---	D	
31950 State Agency Programs:								
32000 Migrant	393,577	393,577	393,577	393,577	393,577	---	D	FF
32050 Neglected and Delinquent/High Risk Youth	48,395	48,395	48,395	52,000	50,000	+1,605	D	FF
32060 Subtotal, State Agency programs	441,972	441,972	441,972	445,577	443,577	+1,605		
32100 Evaluation	8,790	9,500	9,500	9,500	9,500	+710	D	
32125 Assistance for local school improvement	---	---	---	100,000	---	---	D	FF
32150 Comprehensive School Reform Demonstration	233,613	---	80,000	233,613	207,000	-26,613	D	FF
32400 Migrant Education:								
32450 High School Equivalency Program	18,888	18,888	22,545	18,888	18,888	---	D	UA
32500 College Assistance Migrant Program	15,657	15,657	15,657	15,657	15,657	---	D	UA
32550 Subtotal, Migrant Education	34,545	34,545	38,202	34,545	34,545	---		
32600 Total, Education for the disadvantaged	14,446,343	15,205,168	15,515,735	15,500,684	14,963,683	+517,340		
32650 Current Year	(7,063,042)	(7,821,867)	(8,132,434)	(8,117,383)	(7,580,382)	(+517,340)		
32700 FY 2006	(7,383,301)	(7,383,301)	(7,383,301)	(7,383,301)	(7,383,301)	---		
32750 Subtotal, forward funded	(6,901,947)	(7,522,480)	(7,829,390)	(7,840,439)	(7,382,995)	(+481,048)		
32800 IMPACT AID								
32850 Basic Support Payments	1,063,687	1,063,687	1,083,687	1,063,687	1,083,687	+20,000	D	
32900 Payments for Children with Disabilities	50,369	50,369	50,369	50,369	50,369	---	D	
32950 Facilities Maintenance (Sec. 8008)	7,901	7,901	7,901	7,901	7,901	---	D	
33000 Construction (Sec. 8007)	45,935	45,936	45,936	45,936	48,936	+3,001	D	
33050 Payments for Federal Property (Sec. 8002)	61,634	61,634	63,000	61,634	63,000	+1,366	D	
33100 Total, Impact aid	1,229,526	1,229,527	1,250,893	1,229,527	1,253,893	+24,367		
33150 SCHOOL IMPROVEMENT PROGRAMS								
33200 State Grants for Improving Teacher Quality	1,495,126	1,495,126	1,515,000	1,540,126	1,505,126	+10,000	D	FF
33250 Advance from prior year	(1,150,000)	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	(+285,000)	NA	
33300 FY 2006	1,435,000	1,435,000	1,435,000	1,435,000	1,435,000	---	D	
33350 Subtotal, State Grants for Improving Teacher 33400 Quality, program level	2,930,126	2,930,126	2,950,000	2,975,126	2,940,126	+10,000		
33600 Early Childhood Educator Professional Development.	14,814	14,814	14,814	14,814	14,814	---	D	
33700 Mathematics and Science Partnerships	149,115	269,115	269,115	200,000	180,000	+30,885	D	FF
33890 State Grants for Innovative Education (Education Block 33900 Grant)	296,548	296,549	20,000	---	200,000	-96,548	D	FF
33950 Advance from prior year	(285,000)	---	---	---	---	(-285,000)	NA	
34000 FY 2006	---	---	---	---	---	---	D	
34050 Subtotal, Education Block Grant, program level	296,548	296,549	20,000	---	200,000	-96,548		
34150 Educational Technology State Grants	691,841	691,841	600,000	691,841	500,000	-191,841	D	FF
34200 Supplemental Education Grants	---	---	18,330	17,214	18,330	+18,330	D	
34325 21st Century Community Learning Centers	999,070	999,070	999,070	1,007,000	999,070	---	D	FF
35050 State Assessments/Enhanced Assessment Instruments.	390,000	410,000	410,000	420,000	415,000	+25,000	D	FF
35060 Javits gifted and talented education	11,111	---	11,111	12,111	11,111	---	D	
35070 Foreign language assistance	16,546	---	---	19,000	18,000	+1,454	D	
35100 Education for Homeless Children and Youth	59,646	59,646	70,000	62,000	63,000	+3,354	D	FF
35150 Training and Advisory Services (Civil Rights)	7,243	7,243	7,243	7,243	7,243	---	D	
35200 Education for Native Hawaiians	33,302	33,302	33,302	36,000	34,500	+1,198	D	
35250 Alaska Native Education Equity	33,302	33,302	33,302	36,000	34,500	+1,198	D	
35300 Rural Education	167,831	167,831	167,831	175,000	172,000	+4,169	D	FF
35400 Comprehensive Centers	57,283	27,654	57,283	57,283	57,283	---	D	
35900 Total, School improvement programs	5,857,778	5,940,493	5,661,401	5,730,632	5,664,977	-192,801		
35950 Current Year	(4,422,778)	(4,505,493)	(4,226,401)	(4,295,632)	(4,229,977)	(-192,801)		
36000 FY 2006	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	---		
36050 Subtotal, forward funded	(4,249,177)	(4,389,178)	(4,051,016)	(4,095,967)	(4,034,196)	(-214,981)		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
36100 INDIAN EDUCATION								
36110 Grants to Local Educational Agencies	95,933	95,933	95,933	95,933	95,933	---	D	
36120 Federal Programs:								
36130 Special Programs for Indian Children	19,753	19,753	19,753	19,753	19,753	---	D	
36140 National Activities	5,170	5,170	5,170	5,170	5,170	---	D	
36150 Subtotal, Federal Programs	24,923	24,923	24,923	24,923	24,923	---		
36170 Total, Indian Education	120,856	120,856	120,856	120,856	120,856	---		
36300 INNOVATION AND IMPROVEMENT								
36310 Troops-to-Teachers	14,911	14,912	14,912	14,912	14,912	+1	D	
36320 Transition to Teaching	45,295	45,295	45,295	45,295	45,295	---	D	
36330 National Writing Project	17,894	---	17,894	24,000	20,500	+2,606	D	
36340 Teaching of Traditional American History	119,292	119,292	---	120,000	120,000	+708	D	
36350 School Leadership	12,346	---	15,000	16,000	15,000	+2,654	D	
36360 Advanced Credentialing	18,391	7,000	18,391	17,000	17,000	-1,391	D	
36370 Charter Schools Grants	218,702	218,702	218,702	218,702	218,702	---	D	
36380 Credit Enhancement for Charter School Facilities	37,279	100,000	50,000	37,279	37,279	---	D	UA
36390 Voluntary Public School Choice	26,757	26,757	26,757	26,757	26,757	---	D	
36400 Magnet Schools Assistance	108,640	108,640	108,640	108,640	108,640	---	D	
36420 Fund for the Improvement of Education (FIE):							D	
36425 Current funded	356,197	170,185	100,000	372,673	417,418	+61,221	D	
36430 Forward funded	74,073	---	---	74,073	---	-74,073	D	FF
36435 Subtotal, FIE	430,270	170,185	100,000	446,746	417,418	-12,852		
36440 Ready to Learn television	22,864	22,864	22,864	24,000	23,500	+636	D	
36450 Dropout Prevention Programs	4,970	---	---	10,000	4,970	---	D	
36460 Close Up Fellowships	1,481	---	1,481	1,481	1,481	---	D	
36470 Advanced Placement	23,534	51,534	30,000	33,534	30,000	+6,466	D	
36480 Total, Innovation and Improvement	1,102,626	885,181	669,936	1,144,346	1,101,454	-1,172		
36495 Forward funded	(74,073)	---	---	(74,073)	---	(-74,073)		
36500 SAFE SCHOOLS AND CITIZENSHIP EDUCATION								
36510 Safe and Drug Free Schools and Communities:								
36520 State Grants, forward funded	440,908	440,908	440,908	440,908	440,908	---	D	FF
36530 Advance from prior year	(330,000)	---	---	---	---	(-330,000)	NA	
36540 FY 2006	---	---	---	---	---	---	D	
36550 State Grants, program level	440,908	440,908	440,908	440,908	440,908	---		
36570 National Programs	153,767	175,069	153,767	156,219	153,767	---	D	
36580 Mental health integration in schools	---	---	---	10,548	---	---	D	
36590 Alcohol Abuse Reduction	29,823	---	---	35,000	33,000	+3,177	D	
36600 Mentoring Programs	49,705	100,000	49,705	65,000	49,705	---	D	
36610 Character education	24,691	24,691	24,961	24,691	24,691	---	D	
36620 Elementary and Secondary School Counseling	33,799	---	33,799	36,000	35,000	+1,201	D	
36630 Carol M. White Physical Education Program	69,587	69,587	69,587	75,000	74,000	+4,413	D	
36640 Civic Education	28,642	28,642	28,642	30,642	29,642	+1,000	D	
36650 State Grants for Incarcerated Youth Offenders	24,852	---	---	28,000	27,000	+2,148	D	FF UA
36670 Total, Safe Schools and Citizenship Education	855,774	838,897	801,369	902,008	867,713	+11,939		
36680 Current Year	(855,774)	(838,897)	(801,369)	(902,008)	(867,713)	(+11,939)		
36690 FY 2006	---	---	---	---	---	---		
36695 Subtotal, forward funded	(465,760)	(440,908)	(440,908)	(468,908)	(467,908)	(+2,148)		
36700 ENGLISH LANGUAGE ACQUISITION								
36710 Current funded	124,220	85,500	85,500	85,500	85,500	-38,720	D	
36750 Forward funded	556,995	595,715	595,715	614,500	595,715	+38,720	D	FF
36800 Total, English Language Acquisition	681,215	681,215	681,215	700,000	681,215	---		
36850 SPECIAL EDUCATION								
36900 State Grants:								
36950 Grants to States Part B current year	4,655,106	5,655,106	5,655,106	5,815,981	5,262,147	+607,041	D	FF
37000 Part B advance from prior year	(5,672,000)	(5,413,000)	(5,413,000)	(5,413,000)	(5,413,000)	(-259,000)	NA	
37050 Grants to States Part B (FY 2006)	5,413,000	5,413,000	5,413,000	5,413,000	5,413,000	---	D	
37100 Subtotal, Grants to States, program level	10,068,106	11,068,106	11,068,106	11,228,981	10,675,147	+607,041		UA

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
37150	Preschool Grants	387,699	387,699	387,699	390,000	387,699	---	D	FF UA
37200	Grants for Infants and Families	444,363	466,581	466,581	444,363	444,363	---	D	FF UA
37250	Subtotal, State grants, program level	10,900,168	11,922,386	11,922,386	12,063,344	11,507,209	+607,041		
37300	IDEA National Activities (current funded):								
37350	State Improvement	51,061	51,061	51,061	51,061	51,061	---	D	FF UA
37450	Technical Assistance and Dissemination	52,820	52,819	52,819	54,000	52,819	-1	D	UA
37500	Personnel Preparation	91,357	91,357	91,357	93,357	91,357	---	D	UA
37550	Parent Information Centers	26,173	26,173	26,173	27,500	26,173	---	D	UA
37600	Technology and Media Services	39,129	32,305	32,305	39,129	39,129	---	D	UA
37700	Subtotal, IDEA special programs	260,540	253,715	253,715	265,047	260,539	-1		
37750	Total, Special education	11,160,708	12,176,101	12,176,101	12,328,391	11,767,748	+607,040		
37800	Current Year	(5,747,708)	(6,763,101)	(6,763,101)	(6,915,391)	(6,354,748)	(+607,040)		
37850	FY 2006	(5,413,000)	(5,413,000)	(5,413,000)	(5,413,000)	(5,413,000)	---		
37900	Subtotal, Forward funded	(5,538,229)	(6,560,447)	(6,560,447)	(6,701,405)	(6,145,270)	(+607,041)		
37950	REHABILITATION SERVICES AND DISABILITY RESEARCH								
38000	Vocational Rehabilitation State Grants	2,584,162	2,635,845	2,635,845	2,635,845	2,635,845	+51,683	M	
38050	Vocational Rehabilitation State Grants	---	61,800	---	---	---	---	D	
38100	Client Assistance State grants	11,997	11,997	11,997	13,000	11,997	---	D	
38150	Training	39,139	39,139	39,139	39,139	39,139	---	D	
38200	Demonstration and training programs	24,286	18,784	18,784	24,286	25,814	+1,528	D	
38250	Migrant and seasonal farmworkers	2,321	---	2,321	2,500	2,321	---	D	
38300	Recreational programs	2,564	---	2,564	2,750	2,564	---	D	
38350	Protection and advocacy of individual rights (PAIR)	16,790	19,570	16,790	18,000	16,790	---	D	
38400	Projects with industry	21,799	---	21,799	22,000	21,799	---	D	
38450	Supported employment State grants	37,680	---	37,680	38,000	37,680	---	D	
38500	Independent living:								
38550	State grants	22,020	22,020	25,000	23,000	23,000	+980	D	
38600	Centers	73,563	73,563	75,000	75,000	76,000	+2,437	D	
38650	Services for older blind individuals	31,811	31,811	35,000	31,811	33,495	+1,684	D	
38700	Subtotal, Independent living	127,394	127,394	135,000	129,811	132,495	+5,101		
38750	Program Improvement	889	850	850	850	850	-39	D	
38800	Evaluation	988	1,500	1,500	1,500	1,500	+512	D	
38849	Helen Keller National Center for Deaf/Blind Youth and							D	
38850	Adults	8,666	8,666	8,666	9,000	8,666	---	D	
38900	National Inst. Disability and Rehab. Research (NIDRR)	106,652	106,652	106,652	109,152	108,652	+2,000	D	
38950	Assistive Technology	25,943	15,000	15,000	31,495	30,000	+4,057	D	
39050	Subtotal, discretionary programs	427,108	411,352	418,742	441,483	440,267	+13,159		
39100	Total, Rehabilitation services	3,011,270	3,047,197	3,054,587	3,077,328	3,076,112	+64,842		UA
39150	SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES								
39200	AMERICAN PRINTING HOUSE FOR THE BLIND	16,403	16,403	17,000	17,000	17,000	+597	D	
39250	NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):								
39300	Operations	53,118	53,118	54,105	54,105	54,105	+987	D	
39400	Construction	365	685	1,685	1,685	1,685	+1,320	D	
39450	Total, NTID	53,483	53,803	55,790	55,790	55,790	+2,307		UA
39550	GALLAUDET UNIVERSITY	100,205	100,205	104,000	105,400	105,400	+5,195	D	UA
39699	Total, Special Institutions for Persons with								
39700	Disabilities	170,091	170,411	176,790	178,190	178,190	+8,099		
39750	VOCATIONAL AND ADULT EDUCATION								
39800	Vocational Education:								
39850	Basic State Grants/Secondary & Technical Education								
39875	State Grants, current funded	404,008	221,000	424,008	403,295	412,963	+8,955	D	FF
39900	Advance from prior year	(791,000)	(791,000)	(791,000)	(791,000)	(791,000)	---	NA	
39950	FY 2006	791,000	791,000	791,000	791,000	791,000	---	D	
40000	Subtotal, Basic State Grants, program level	1,195,008	1,012,000	1,215,008	1,194,295	1,203,963	+8,955		
40050	Tech-Prep Education State Grants	106,665	---	106,665	106,665	106,665	---	D	FF
40150	National Programs	11,852	---	11,852	11,852	11,852	---	D	FF
40200	Tech-Prep Education Demonstration	4,939	---	---	4,939	4,939	---	D	FF
40250	Occupational and Employment Information Program	9,382	---	---	9,241	9,382	---	D	FF
40300	Subtotal, Vocational Education	1,327,846	1,012,000	1,333,525	1,326,992	1,336,801	+8,955		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
40350 Adult Education:								
40375 State Grants/Adult basic and literacy education:								
40400 State Grants, current funded	574,372	574,372	574,372	574,266	574,266	-106	D	FF
40450 National Programs								
40500 National Leadership Activities	9,169	9,169	9,169	9,169	9,169	---	D	FF
40550 National Institute for Literacy	6,692	6,692	6,692	6,692	6,692	---	D	FF
40600 Subtotal, National programs	15,861	15,861	15,861	15,861	15,861	---		
40650 Subtotal, Adult education	590,233	590,233	590,233	590,127	590,127	-106		
40710 Smaller Learning Communities, current funded	8,698	---	5,085	---	4,762	-3,936	D	
40720 Smaller Learning Communities, forward funded	165,269	---	96,613	173,967	90,476	-74,793	D	FF
40730 Community Technology Centers	9,941	---	---	11,000	5,000	-4,941	D	
40750 Total, Vocational and adult education	2,101,987	1,602,233	2,025,456	2,102,086	2,027,166	-74,821		UA
40800 Current Year	(1,310,987)	(811,233)	(1,234,456)	(1,311,086)	(1,236,166)	(-74,821)		
40850 FY 2006	(791,000)	(791,000)	(791,000)	(791,000)	(791,000)	---		
40900 Subtotal, forward funded	(1,292,348)	(811,233)	(1,229,371)	(1,300,086)	(1,226,404)	(-65,944)		
40950 STUDENT FINANCIAL ASSISTANCE								
41000 Pell Grants -- maximum grant (NA)	(4,050)	(4,050)	(4,050)	(4,050)	(4,050)	---	NA	
41050 Pell Grants -- Regular Program	12,006,738	12,830,000	12,830,000	12,830,000	12,464,715	+457,977	D	
41075 Enhanced Pell grants for State scholars	---	33,000	---	---	---	---	D	
41100 Federal Supplemental Educational Opportunity Grants	770,455	770,455	794,455	799,850	785,000	+14,545	D	
41150 Federal Work Study	998,502	998,502	998,502	998,243	998,243	-259	D	
41200 Federal Perkins Loans:								
41250 Capital Contributions	98,764	---	---	98,764	---	-98,764	D	
41300 Loan Cancellations	66,665	66,665	66,665	66,665	66,665	---	D	
41350 Subtotal, Federal Perkins loans	165,429	66,665	66,665	165,429	66,665	-98,764		
41400 LEAP program	66,172	---	66,172	66,172	66,172	---	D	
41500 Total, Student Financial Assistance	14,007,296	14,698,622	14,755,794	14,859,694	14,380,795	+373,499		UA
41600 STUDENT AID ADMINISTRATION								
41610 Administrative Costs	116,727	934,639	120,247	121,000	120,247	+3,520	D	UA
41620 Fed Direct Student Loan Reclassification (Leg prop)	---	-795,000	---	---	---	---	D	UA
41650 HIGHER EDUCATION								
41700 Aid for Institutional Development:								
41750 Strengthening Institutions	80,986	80,986	80,986	85,000	80,986	---	D	
41800 Hispanic Serving Institutions	93,993	95,873	95,873	100,000	95,873	+1,880	D	
41850 Strengthening Historically Black Colleges (HBCUs)	222,764	240,500	240,500	240,500	240,500	+17,736	D	
41900 Strengthening historically black graduate insts	53,100	58,500	58,500	58,500	58,500	+5,400	D	
41949 Strengthening Alaska Native and							D	
41950 Native Hawaiian-Serving Institutions	10,935	6,137	10,935	13,000	12,000	+1,065	D	
42000 Strengthening Tribal Colleges	23,287	23,753	23,753	25,000	24,000	+713	D	
42050 Subtotal, Aid for Institutional development	485,065	505,749	510,547	522,000	511,859	+26,794		UA
42100 International Education and Foreign Language:								
42150 Domestic Programs	89,211	89,211	93,211	89,211	93,211	+4,000	D	UA
42200 Overseas Programs	12,840	12,840	12,840	12,840	12,840	---	D	
42250 Institute for International Public Policy	1,629	1,629	1,629	1,629	1,629	---	D	UA
42300 Subtotal, International Education & Foreign Lang	103,680	103,680	107,680	103,680	107,680	+4,000		
42375 Fund for the Improvement of Postsec. Ed. (FIPSE)	157,700	32,011	32,011	157,700	163,915	+6,215	D	UA
42400 Minority Science and Engineering Improvement	8,889	8,889	8,889	8,889	8,889	---	D	UA
42450 Interest Subsidy Grants	1,988	1,500	1,500	1,500	1,500	-488	D	UA
42475 Tribally Controlled Postsec Voc/Tech Institutions	7,185	7,185	7,185	8,000	7,500	+315	D	UA
42500 Federal TRIO Programs	832,559	832,559	842,559	844,500	843,289	+10,730	D	UA
42550 GEAR UP	298,230	298,230	318,230	302,500	308,960	+10,730	D	UA
42600 Byrd Honors Scholarships	40,758	40,758	---	41,000	41,000	+242	D	UA
42650 Javits Fellowships	9,876	9,876	9,876	9,876	9,876	---	D	UA
42700 Graduate Assistance in Areas of National Need	30,616	30,616	30,616	30,616	30,616	---	D	UA
42750 Teacher Quality Enhancement Grants	88,887	88,888	88,888	88,888	68,888	-19,999	D	UA
42800 Child Care Access Means Parents in School	16,098	16,099	16,099	16,099	16,099	+1	D	UA
42850 Demonstration in Disabilities / Higher Education	6,913	---	---	7,000	7,000	+87	D	UA
42900 Underground Railroad Program	2,222	---	---	2,222	2,222	---	D	UA
42950 GPRA data/HEA program evaluation	988	988	988	988	988	---	D	UA
43050 B.J. Stupak Olympic Scholarships	988	---	988	---	988	---	D	UA

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
43075 Thurgood Marshall legal education opportunity program.	---	---	---	3,000	3,000	+3,000	D	
43100 Total, Higher education	2,092,642	1,977,028	1,976,056	2,148,458	2,134,269	+41,627		
43150 HOWARD UNIVERSITY								
43200 Academic Program	205,212	205,164	210,342	206,164	207,164	+1,952	D	
43250 Endowment Program	3,552	3,600	3,552	3,600	3,552	---	D	UA
43300 Howard University Hospital	29,999	29,999	29,999	29,999	29,999	---	D	
43350 Total, Howard University	238,763	238,763	243,893	239,763	240,715	+1,952		
43375 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM:								
43400 (CHAFL)	769	578	578	578	578	-191	D	
43450 HBCU CAPITAL FINANCING PROGRAM -- Federal Adm	209	212	212	212	212	+3	D	
43500 INSTITUTE OF EDUCATION SCIENCES								
43600 Research, development and dissemination	165,518	185,000	165,518	165,518	165,518	---	D	
43620 Statistics	91,664	91,664	91,664	91,664	91,664	---	D	
43650 Regional Educational Laboratories	66,665	---	66,665	66,665	66,665	---	D	
43720 Research and innovation in special education	78,125	78,125	78,125	78,125	83,774	+5,649	D	UA
43730 Statewide data systems	---	---	30,000	40,000	25,000	+25,000	D	
43750 Assessment:								
43800 National Assessment	89,703	89,703	89,703	89,703	89,703	---	D	
43850 National Assessment Governing Board	5,060	5,129	5,129	5,129	5,129	+69	D	
43900 Subtotal, Assessment	94,763	94,832	94,832	94,832	94,832	+69		
44050 Total, IES	496,735	449,621	526,804	536,804	527,453	+30,718		
44100 DEPARTMENTAL MANAGEMENT								
44150 PROGRAM ADMINISTRATION	420,379	429,778	421,055	420,379	423,379	+3,000	D	
44200 OFFICE FOR CIVIL RIGHTS	88,305	92,801	90,248	92,801	90,248	+1,943	D	
44250 OFFICE OF THE INSPECTOR GENERAL	46,624	50,576	47,790	50,576	47,790	+1,166	D	
44300 Total, Departmental management	555,308	573,155	559,093	563,756	561,417	+6,109		
44475 Total: Elementary and Secondary Education Act programs	24,478,026	24,901,337	24,803,103	25,513,020	24,754,029	+276,003		
44500 Total, Title III, Department of Education	58,246,623	59,974,897	60,317,016	61,484,313	59,668,693	+1,422,070		
44550 Current Year	(43,224,322)	(44,952,596)	(45,294,715)	(46,462,012)	(44,646,392)	(+1,422,070)		
44600 FY 2006	(15,022,301)	(15,022,301)	(15,022,301)	(15,022,301)	(15,022,301)	---		
44650 TITLE IV - RELATED AGENCIES								
44700 ARMED FORCES RETIREMENT HOME								
44750 Operations and Maintenance	62,923	57,195	57,195	57,195	57,624	-5,299	D	
44800 Capital Program	1,971	4,000	4,000	4,000	4,000	+2,029	D	
44850 Total, AFRH	64,894	61,195	61,195	61,195	61,624	-3,270		
44885 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR								
44890 SEVERELY DISABLED 1/	4,697	4,672	4,672	---	4,707	+10	D	
44900 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE 2/								
44950 Volunteers in Service to America (VISTA)	93,731	96,428	93,731	96,428	95,000	+1,269	D	
45000 Volunteers in Homeland Security	9,876	15,000	5,000	5,000	5,000	-4,876	D	
45050 National Senior Volunteer Corps:								
45100 Foster Grandparents Program	110,121	106,700	112,323	112,323	112,323	+2,202	D	
45150 Senior Companion Program	45,987	46,563	45,987	46,563	46,275	+288	D	
45200 Retired Senior Volunteer Program	58,156	69,884	58,156	60,000	59,000	+844	D	
45250 Senior Demonstration Program	---	1,397	---	---	---	---	D	
45300 Subtotal, Senior Volunteers	214,264	224,544	216,466	218,886	217,598	+3,334		
45350 Program Administration	36,469	39,363	38,000	37,500	39,000	+2,531	D	
45400 Total, Domestic Volunteer Service Programs	354,340	375,335	353,197	357,814	356,598	+2,258		UA

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable		
45500 CORPORATION FOR PUBLIC BROADCASTING:								
45550 FY 2007 (current) with FY 2006 comparable	400,000	---	400,000	400,000	400,000	---	D	
45600 FY 2006 advance with FY 2005 comparable (NA)	(390,000)	(400,000)	(400,000)	(400,000)	(400,000)	(+10,000)	NA	
45650 FY 2005 advance with FY 2004 comparable (NA)	(377,758)	(390,000)	(390,000)	(390,000)	(390,000)	(+12,242)	NA	
45700 Digitalization program, current funded 3/	49,705	---	---	49,705	39,705	-10,000	D	
45710 Digitalization, non-add 4/	---	(20,000)	(20,000)	---	---	---	NA	
45725 Interconnection, current funded 3/	9,941	---	---	50,000	40,000	+30,059	D	
45730 Interconnection, non-add 4/	---	(75,000)	(60,000)	(75,000)	(75,000)	(+75,000)	NA	
45750 Subtotal, FY 2005 appropriation	59,646	---	---	99,705	79,705	+20,059		UA
45760 Subtotal, FY 2005 comparable	(59,646)	(95,000)	(80,000)	(174,705)	(154,705)	(+95,059)		
45850 FEDERAL MEDIATION AND CONCILIATION SERVICE	43,129	43,964	43,964	44,464	44,797	+1,668	D	
45900 FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,728	7,813	7,813	7,813	7,872	+144	D	
45950 INSTITUTE OF MUSEUM AND LIBRARY SERVICES	262,240	261,743	261,743	262,240	282,827	+20,587	D	
46000 MEDICARE PAYMENT ADVISORY COMMISSION	9,245	9,905	9,905	9,905	9,979	+734	TF	
46050 NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	994	1,000	1,000	994	1,001	+7	D	
46100 NATIONAL COUNCIL ON DISABILITY	3,021	2,873	2,873	3,371	3,371	+350	D	UA
46200 NATIONAL LABOR RELATIONS BOARD	242,633	248,785	248,785	250,000	251,875	+9,242	D	
46250 NATIONAL MEDIATION BOARD	11,354	11,635	11,635	11,635	11,722	+368	D	
46300 OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	9,805	10,516	10,516	10,516	10,595	+790	D	
46350 RAILROAD RETIREMENT BOARD								
46400 Dual Benefits Payments Account	118,298	108,000	108,000	108,000	108,000	-10,298	D	
46450 Less Income Tax Receipts on Dual Benefits	-7,953	-8,000	-8,000	-8,000	-8,000	-47	D	
46500 Subtotal, Dual Benefits	110,345	100,000	100,000	100,000	100,000	-10,345		
46550 Federal Payment to the RR Retirement Account	150	150	150	150	150	---	M	
46600 Limitation on Administration	100,702	102,600	102,202	102,600	103,370	+2,668	TF	
46650 Inspector General	6,561	7,200	6,561	7,200	7,254	+693	TF	
46700 SOCIAL SECURITY ADMINISTRATION								
46750 Payments to Social Security Trust Funds	21,658	20,454	20,454	20,454	20,454	-1,204	M	
47150 SUPPLEMENTAL SECURITY INCOME								
47200 Federal benefit payments	34,198,000	38,109,000	38,109,000	34,909,000	38,109,000	+3,911,000	M	
47250 Beneficiary services	100,000	45,929	45,929	45,929	45,929	-54,071	M	
47300 Research and demonstration	38,000	27,000	27,000	35,000	35,000	-3,000	M	
47350 Administration	2,973,300	3,017,000	2,986,900	2,928,020	2,986,900	+13,600	D	
47400 Subtotal, SSI program level	37,309,300	41,198,929	41,168,829	37,917,949	41,176,829	+3,867,529		
47450 Less funds advanced in prior year	-11,080,000	-12,590,000	-12,590,000	-12,590,000	-12,590,000	-1,510,000	M	
47500 Subtotal, regular SSI current year	26,229,300	28,608,929	28,578,829	25,327,949	28,586,829	+2,357,529		
47600 User Fee Activities	120,000	124,000	124,000	124,000	124,000	+4,000	D	
47650 Total, SSI, current request	26,349,300	28,732,929	28,702,829	25,451,949	28,710,829	+2,361,529		
47700 New advance, 1st quarter, FY 2006	12,590,000	10,930,000	10,930,000	14,130,000	10,930,000	-1,660,000	M	
47710 Total, SSI program	38,939,300	39,662,929	39,632,829	39,581,949	39,640,829	+701,529		
47750 LIMITATION ON ADMINISTRATIVE EXPENSES								
47800 OASDI Trust Funds	4,070,369	4,454,000	4,412,700	4,322,654	4,412,896	+342,527	TF	
47850 HI/SMI Trust Funds	1,147,705	1,284,000	1,272,500	1,246,144	1,272,500	+124,795	TF	
47900 Social Security Advisory Board	1,800	2,000	2,000	2,000	2,000	+200	TF	
47950 SSI	2,973,300	3,017,000	2,986,900	2,928,020	2,986,900	+13,600	TF	
48000 Subtotal, regular LAE	8,193,174	8,757,000	8,674,100	8,498,818	8,674,296	+481,122		
48050 User Fee Activities (SSI)	120,000	124,000	124,000	124,000	124,000	+4,000	TF	
48100 Total, Limitation on Administrative Expenses	8,313,174	8,881,000	8,798,100	8,622,818	8,798,296	+485,122		

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable	
48300 MEDICARE REFORM FUNDING							
48310 HI/SMI trust funds mandatory spending 5/ 6/	(500,000)	---	---	---	---	(-500,000)	NA
48320 Medicare reform contingency fund 7/	---	100,000	---	---	---	---	D
48450 OFFICE OF INSPECTOR GENERAL							
48500 Federal Funds	24,355	26,000	25,748	26,000	25,748	+1,393	D
48550 Trust Funds	63,324	66,000	65,359	66,000	65,359	+2,035	TF
48600 Total, Office of Inspector General	87,679	92,000	91,107	92,000	91,107	+3,428	
48750 Adjustment: Trust fund transfers from general revenues	-3,093,300	-3,141,000	-3,110,900	-3,052,020	-3,110,900	-17,600	TF
48800 Total, Social Security Administration	44,268,511	45,615,383	45,431,590	45,265,201	45,439,786	+1,171,275	
48850 Federal funds	38,985,313	39,809,383	39,679,031	39,628,403	39,687,031	+701,718	
48900 Current year	(26,395,313)	(28,879,383)	(28,749,031)	(25,498,403)	(28,757,031)	(+2,361,718)	
48950 New advances, 1st quarter	(12,590,000)	(10,930,000)	(10,930,000)	(14,130,000)	(10,930,000)	(-1,660,000)	
49000 Trust funds	5,283,198	5,806,000	5,752,559	5,636,798	5,752,755	+469,557	
49020 UNITED STATES INSTITUTE OF PEACE 8/	---	---	---	22,099	---	---	
49100 Total, Title IV, Related Agencies	45,959,995	46,864,769	47,057,801	47,016,902	47,177,233	+1,217,238	
49150 Federal Funds	40,560,289	40,939,064	41,186,574	41,260,399	41,303,875	+743,586	
49200 Current Year	(27,570,289)	(30,009,064)	(29,856,574)	(26,730,399)	(29,973,875)	(+2,403,586)	
49250 FY 2006 Advance	(12,590,000)	(10,930,000)	(10,930,000)	(14,130,000)	(10,930,000)	(-1,660,000)	
49300 FY 2007 Advance	(400,000)	---	(400,000)	(400,000)	(400,000)	---	
49350 Trust Funds	5,399,706	5,925,705	5,871,227	5,756,503	5,873,358	+473,652	

49355 Title IV Footnotes:
49357 1/ FY 2005 House jurisdiction change--account moved
49358 from Transportation-Treasury Appropriations.
49362 2/ Appropriations for Americorps are provided in the
49363 VA-HUD bill.
49365 3/ Current funded.
49367 4/ Requested funds for these activities are from
49368 previously appropriated funds.
49369 5/ Funds provided in P.L. 108-173, the 2003 Medicare
49370 Prescription Drug, Improvement & Modernization Act
49371 6/ Available in fiscal years 2004 and 2005.
49372 7/ Two-year availability. Funds may be transferred
49373 between CMS and SSA.
49374 8/ Senate display. House jurisdiction change--account
49375 moved to Commerce-Justice-State appropriations.

DIVISION F--LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

		FY 2004 Comparable	FY 2005 Request	House	Senate	Conference	Conference Vs. FY 2004 Comparable
49575	SUMMARY						
49580	Federal Funds	467,973,109	483,957,294	484,255,006	487,132,210	485,060,136	+17,087,027
49590	Current year	(374,625,833)	(387,359,603)	(387,257,315)	(386,934,519)	(388,062,445)	(+13,436,612)
49595	2006 advance	(92,947,276)	(96,597,691)	(96,597,691)	(99,797,691)	(96,597,691)	(+3,650,415)
49600	2008 advance	(400,000)	---	(400,000)	(400,000)	(400,000)	---
49610	Trust Funds	11,844,869	12,477,283	12,410,505	12,357,301	12,492,375	+647,506
49630	Grand Total	479,817,978	496,434,577	496,665,511	499,489,511	497,552,511	+17,734,533
49640	BUDGET ENFORCEMENT ACT RECAP						
49760	Mandatory, total in bill	340,041,821	353,539,511	353,539,511	353,547,511	353,595,511	+13,553,690
49780	Less advances for subsequent years	-74,061,975	-77,712,390	-77,712,390	-80,912,390	-77,712,390	-3,650,415
49800	Plus advances provided in prior years	65,883,986	74,061,975	74,061,975	74,061,975	74,061,975	+8,177,989
49820	Total, mandatory, current year	331,863,832	349,889,096	349,889,096	346,697,096	349,945,096	+18,081,264
49860	Discretionary, total in bill	139,776,157	142,895,066	143,126,000	145,942,000	143,957,000	+4,180,843
49880	Less advances for subsequent years	-19,285,301	-18,885,301	-19,285,301	-19,285,301	-19,285,301	---
49900	Plus advances provided in prior years	19,229,267	19,275,301	19,275,301	19,275,301	19,275,301	+46,034
49920	Subtotal, Discretionary, current year	139,720,123	143,285,066	143,116,000	145,932,000	143,947,000	+4,226,877
49960	Scorekeeping adjustments:						
50100	SSA User Fee Collection	-120,000	-124,000	-124,000	-124,000	-124,000	-4,000
50110	SSI date shift	---	---	---	-3,200,000	---	---
50135	Vaccines for children legislative proposal	---	-110,000	---	---	---	---
50138	Medicaid/Medicare offsetting proposals	---	-462,000	---	---	---	---
50140	HI/SMI user fees	---	-165,000	-155,000	---	---	---
50145	Medicare Hospital loans	---	---	-200,000	-199,900	---	---
50180	CDC Management/IT Savings	---	---	-15,000	---	---	---
50190	Smallpox vaccine injury compensation rescission	---	---	---	---	-20,000	-20,000
50191	Medical facilities guarantee and loan fund						
50192	Rescission	---	---	---	---	-66,000	-66,000
50194	Health professions student loan rescission	---	---	---	---	-19,000	-19,000
50200	Welfare to Work rescission	-176,000	---	---	---	---	+176,000
50220	H-1B rescission	---	-100,000	-100,000	-100,100	-100,000	-100,000
50230	75 percent rule scoring	---	---	9,000	9,000	9,000	+9,000
50231	75 percent rule offset in CMS	---	---	-12,500	---	---	---
50240	Across the board administrative expenses reduction	---	---	---	---	-18,000	-18,000
50250	ESA Special benefits (offsetting collections)	-54	---	---	---	---	+54
50255	Section 223 P.L. 104-191	---	---	---	-35,000	---	---
50256	Section 223 Office of Inspector General	---	---	---	35,000	---	---
50260	Less emergency appropriations	---	---	---	---	-300,000	-300,000
50280	Total, discretionary	139,424,069	142,324,066	142,518,500	142,317,000	143,309,000	+3,884,931
50290	Adjustment to balance with 2004 enacted	-252,080	---	---	---	---	+252,080
50291	Total, discretionary (FY 2004 enacted)	139,171,989	142,324,066	142,518,500	142,317,000	143,309,000	+4,137,011
50320	Grand total, current year (incl FY 2004 comparable)	471,287,901	492,213,162	492,407,596	489,014,096	493,254,096	+21,966,195
50325	Grand total, current year (incl FY 2004 enacted)	471,035,821	492,213,162	492,407,596	489,014,096	493,254,096	+22,218,275

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - LEGISLATIVE BRANCH						
SENATE						
Expense allowances:						
Vice President	20	20	---	20	20	---
President Pro Tempore of the Senate	20	20	---	20	40	+20
Majority Leader of the Senate	20	20	---	20	40	+20
Minority Leader of the Senate	20	20	---	20	40	+20
Majority Whip of the Senate	10	10	---	10	10	---
Minority Whip of the Senate	10	10	---	10	10	---
President Pro Tempore Emeritus of the Senate	8	8	---	8	15	+7
Chairman of the Majority Conference Committee	5	5	---	5	5	---
Chairman of the Minority Conference Committee	5	5	---	5	5	---
Chairman of the Majority Policy Committee	5	5	---	5	5	---
Chairman of the Minority Policy Committee	5	5	---	5	5	---
Subtotal, expense allowances	128	128	---	128	195	+67
Representation allowances for the Majority and Minority Leaders	30	30	---	30	30	---
Total, Expense allowances and representation	158	158	---	158	225	+67
Salaries, Officers and Employees						
Office of the Vice President	2,028	2,108	---	2,108	2,108	+80
Office of the President Pro Tempore	539	561	---	561	561	+22
Office of the President Pro Tempore Emeritus	156	163	---	163	163	+7
Offices of the Majority and Minority Leaders	3,220	3,408	---	3,408	3,808	+588
Offices of the Majority and Minority Whips	2,324	2,556	---	2,556	2,556	+232
Committee on Appropriations	12,799	13,301	---	13,301	13,301	+502
Conference committees	2,716	2,826	---	2,826	2,826	+110
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	674	702	---	702	702	+28
Policy Committees	2,834	2,946	---	2,946	2,946	+112
Office of the Chaplain	327	341	---	341	341	+14
Office of the Secretary	18,299	19,586	---	19,586	19,586	+1,287
Office of the Sergeant at Arms and Doorkeeper	45,789	50,635	---	50,635	50,635	+4,846
Offices of the Secretaries for the Majority and Minority	1,468	1,528	---	1,528	1,528	+60
Agency contributions and related expenses	32,134	33,779	---	33,779	33,779	+1,645
Total, Salaries, officers and employees	125,307	134,440	---	134,440	134,840	+9,533
Office of the Legislative Counsel of the Senate						
Salaries and expenses	4,843	5,152	---	5,152	5,152	+309
Office of Senate Legal Counsel						
Salaries and expenses	1,222	1,265	---	1,265	1,265	+43
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	24	24	---	24	24	---
Contingent Expenses of the Senate						
Inquiries and investigations	118,462	120,435	---	110,000	110,000	-8,462
Expenses of United States Senate Caucus on International Narcotics Control	520	520	---	520	520	---
Secretary of the Senate	2,265	1,700	---	1,700	1,700	-565
Sergeant at Arms and Doorkeeper of the Senate	135,243	136,066	---	127,182	127,182	-8,061
Miscellaneous items	18,425	18,676	---	18,326	18,326	-99
Senators' Official Personnel and Office Expense Account	310,000	340,972	---	326,000	326,533	+16,533
Official Mail Costs						
Expenses	300	300	---	300	300	---
Across-the-board recission (.59%) P.L. 108-199)	-4,281	---	---	---	---	+4,281
Total, Contingent expenses of the Senate	580,934	618,669	---	584,028	584,561	+3,627
Total, Senate	712,488	759,708	---	725,067	726,067	+13,579

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
HOUSE OF REPRESENTATIVES						
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	2,630	2,708	2,708	2,708	2,708	+78
Office of the Majority Floor Leader	1,965	2,027	2,027	2,027	2,027	+62
Office of the Minority Floor Leader	2,756	2,840	2,840	2,840	2,840	+84
Office of the Majority Whip	1,684	1,741	1,741	1,741	1,741	+57
Office of the Minority Whip	1,259	1,303	1,303	1,303	1,303	+44
Speaker's Office for Legislative Floor Activities	460	470	470	470	470	+10
Republican Steering Committee	862	881	881	881	881	+19
Republican Conference	1,448	1,500	1,500	1,500	1,500	+52
Democratic Steering and Policy Committee	1,542	1,589	1,589	1,589	1,589	+47
Democratic Caucus	768	792	792	792	792	+24
Nine minority employees	1,380	1,409	1,409	1,409	1,409	+29
Training and Program Development:						
Majority	290	290	290	290	290	---
Minority	290	290	290	290	290	---
Cloakroom Personnel:						
Majority	404	419	419	419	419	+15
Minority	404	419	419	419	419	+15
Subtotal, House Leadership Offices	18,142	18,678	18,678	18,678	18,678	+536
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	514,454	529,258	521,195	521,195	521,195	+6,741
Committee Employees						
Standing Committees, Special and Select	102,203	114,955	114,299	114,299	114,299	+12,096
Committee on Appropriations (including studies and investigations)	24,926	25,524	24,926	24,926	24,926	---
Subtotal, Committee employees	127,129	140,479	139,225	139,225	139,225	+12,096
Salaries, Officers and Employees						
Office of the Clerk	19,452	20,553	20,534	20,534	20,534	+1,082
Office of the Sergeant at Arms	5,471	5,887	5,879	5,879	5,879	+408
Office of the Chief Administrative Officer	111,141	121,699	116,034	116,034	116,034	+4,893
Office of the Inspector General	3,847	4,022	3,986	3,986	3,986	+139
Office for Emergency Planning, Preparedness and Operations	5,200	6,000	1,000	1,000	1,000	-4,200
Office of General Counsel	926	962	962	962	962	+36
Office of the Chaplain	153	155	155	155	155	+2
Office of the Parliamentarian	1,560	1,673	1,673	1,673	1,673	+113
Office of the Parliamentarian	(1,363)	(1,459)	(1,459)	(1,459)	(1,459)	(+96)
Compilation of precedents of the House of Representatives	(197)	(214)	(214)	(214)	(214)	(+17)
Office of the Law Revision Counsel of the House	2,263	2,346	2,346	2,346	2,346	+83
Office of the Legislative Counsel of the House	6,233	6,721	6,721	6,721	6,721	+488
Corrections Calendar Office	---	---	---	---	---	---
Office of Interparliamentary Affairs	500	687	687	687	687	+187
Other authorized employees	150	156	156	156	156	+6
Technical Assistants, Office of the Attending Physician	(150)	(156)	(156)	(156)	(156)	(+6)
Subtotal, Salaries, officers and employees	156,896	170,861	160,133	160,133	160,133	+3,237
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	3,975	4,618	4,350	4,350	4,350	+375
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	---
Government contributions	186,783	201,350	199,600	199,600	203,900	+17,117
Miscellaneous items	690	690	690	690	690	---
Subtotal, Allowances and expenses	191,858	207,068	205,050	205,050	209,350	+17,492
Total, Salaries and expenses	1,008,479	1,066,344	1,044,281	1,044,281	1,048,581	+40,102
Total, House of Representatives	1,008,479	1,066,344	1,044,281	1,044,281	1,048,581	+40,102

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
JOINT ITEMS						
Joint Congressional Committee on Inaugural Ceremonies	1,250	---	---	---	---	-1,250
Joint Economic Committee	3,988	4,139	4,139	4,139	4,139	+151
Joint Committee on Taxation	8,064	8,476	8,433	8,476	8,433	+369
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	2,223	2,528	2,528	2,528	2,528	+305
Capitol Guide Service and Special Services Office	3,511	3,844	3,844	3,844	3,844	+333
Statements of Appropriations	30	30	30	30	30	---
Total, Joint items	19,066	19,017	18,974	19,017	18,974	-92
CAPITOL POLICE						
Salaries	196,434	---	203,440	198,000	203,440	+7,006
General expenses	23,361	---	28,888	28,925	28,888	+5,527
Salaries and expenses	---	291,641	---	---	---	---
Total, Capitol Police	219,795	291,641	232,328	226,925	232,328	+12,533
OFFICE OF COMPLIANCE						
Salaries and expenses	2,242	2,950	2,421	2,421	2,421	+179
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	33,620	35,455	34,790	34,790	34,919	+1,299
ARCHITECT OF THE CAPITOL						
General administration	76,598	89,245	79,581	74,063	80,347	+3,749
Capitol building	28,021	32,239	18,185	24,784	28,857	+836
Capitol grounds	6,846	8,080	7,033	6,940	6,974	+128
Senate office buildings	63,014	65,309	---	62,303	62,083	-931
House office buildings	62,445	105,675	65,130	65,130	65,353	+2,908
Capitol Power Plant	85,436	67,776	60,539	65,328	61,234	-24,202
Offsetting collections	-4,374	-4,400	-4,400	-4,400	-4,400	-26
Net subtotal, Capitol Power Plant	81,062	63,376	56,139	60,928	56,834	-24,228
Library buildings and grounds	38,928	160,678	34,783	65,145	40,097	+1,169
Capitol police buildings and grounds	3,289	40,292	4,883	7,090	5,853	+2,564
Transfer out	(-12,000)	---	---	---	---	(+12,000)
Botanic garden	6,152	11,581	5,932	6,294	6,326	+174
Capitol Visitor Center	36,621	8,469	---	---	---	-36,621
Transfer in (non-add)	(12,000)	---	---	---	---	(-12,000)
Total, Capitol Visitor Center	(48,621)	(8,469)	---	---	---	(-48,621)
Total, Architect of the Capitol	402,976	584,944	271,666	372,677	352,724	-50,252
LIBRARY OF CONGRESS						
Salaries and expenses	368,709	393,931	373,225	379,648	384,671	+15,962
Authority to spend receipts	-6,810	-6,350	-6,350	-6,350	-6,350	+460
Subtotal, Salaries and expenses	361,899	387,581	366,875	373,298	378,321	+16,422
Copyright Office, salaries and expenses	48,005	53,518	53,518	53,518	53,611	+5,606
Authority to spend receipts	-29,489	-33,339	-33,477	-33,339	-33,477	-3,988
Subtotal, Copyright Office	18,516	20,179	20,041	20,179	20,134	+1,618
Congressional Research Service, salaries and expenses	91,185	100,934	96,385	96,678	96,893	+5,708
Books for the blind and physically handicapped, Salaries and expenses	51,401	53,937	60,187	53,937	54,412	+3,011
Total, Library of Congress	523,001	562,631	543,488	544,092	549,760	+26,759

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	90,573	88,800	88,800	88,800	88,800	-1,773
Office of Superintendent of Documents						
Salaries and expenses	34,253	33,033	32,524	31,935	31,953	-2,300
Government Printing Office Revolving Fund	9,941	25,000	---	---	---	-9,941
Office of the Inspector General	---	4,225	---	---	---	---
Total, Government Printing Office	134,767	151,058	121,324	120,735	120,753	-14,014
GOVERNMENT ACCOUNTABILITY OFFICE						
Salaries and expenses	463,577	486,654	481,000	477,419	478,392	+14,815
Offsetting collections	-5,971	-6,119	-7,500	-7,419	-7,419	-1,448
Total, Government Accountability Office	457,606	480,535	473,500	470,000	470,973	+13,367
OPEN WORLD LEADERSHIP CENTER						
Payment to the Open World Leadership Center Trust Fund	13,420	15,000	6,750	13,500	13,500	+80
GENERAL PROVISIONS						
Lincoln Fellowship program	---	---	---	495	---	---
Grand total	3,527,460	3,969,283	2,749,522	3,574,000	3,571,000	+43,540

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
RECAPITULATION						
Senate	712,488	759,708	---	725,067	726,067	+13,579
House of Representatives	1,008,479	1,066,344	1,044,281	1,044,281	1,048,581	+40,102
Joint Items	19,066	19,017	18,974	19,017	18,974	-92
Capitol Police	219,795	291,641	232,328	226,925	232,328	+12,533
Office of Compliance	2,242	2,950	2,421	2,421	2,421	+179
Congressional Budget Office	33,620	35,455	34,790	34,790	34,919	+1,299
Architect of the Capitol	402,976	584,944	271,666	372,677	352,724	-50,252
Library of Congress	523,001	562,631	543,488	544,092	549,760	+26,759
Government Printing Office	134,767	151,058	121,324	120,735	120,753	-14,014
Government Accountability Office	457,606	480,535	473,500	470,000	470,973	+13,367
Open World Leadership Center	13,420	15,000	6,750	13,500	13,500	+80
General Provisions	---	---	---	495	---	---
Grand total	3,527,460	3,969,283	2,749,522	3,574,000	3,571,000	+43,540

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	80,426	102,689	89,000	86,000	87,234	+6,808
Immediate Office of the Secretary	(2,197)	---	(2,219)	(2,400)	(2,220)	(+23)
Immediate Office of the Deputy Secretary	(696)	---	(705)	(725)	(705)	(+9)
Immediate office of the Secretary and Deputy Secretary	---	---	---	---	---	---
Office of the General Counsel	(15,312)	---	(15,394)	(15,700)	(15,395)	(+83)
Office of the Assistant Secretary for Policy	---	---	---	---	---	---
Office of the Assistant Secretary for Aviation and International Affairs	---	---	---	---	---	---
Office of the Under Secretary for Transportation Policy	(12,239)	---	(12,639)	(12,627)	(12,627)	(+388)
Office of the Assistant Secretary for Budget and Programs	(8,486)	---	(8,572)	(8,600)	(8,573)	(+87)
Office of the Assistant Secretary for Governmental Affairs	(2,286)	---	(2,316)	(2,500)	(2,316)	(+30)
Office of the Assistant Secretary for Administration	(24,467)	---	(23,436)	(24,364)	(23,436)	(-1,031)
Office of Public Affairs	(1,904)	---	(1,929)	(1,968)	(1,929)	(+25)
Executive Secretariat	(1,438)	---	(1,456)	(1,484)	(1,456)	(+18)
Board of Contract Appeals	(696)	---	(704)	(750)	(704)	(+8)
Office of Small and Disadvantaged Business Utilization	(1,261)	---	(1,277)	(1,290)	(1,278)	(+17)
Office of Intelligence and Security	(1,988)	---	(5,353)	(2,200)	(2,053)	(+65)
Office of the Chief Information Officer	(7,456)	---	(13,000)	(11,392)	(11,392)	(+3,936)
Office of emergency transportation	---	---	---	---	(3,150)	(+3,150)
Subtotal	(80,426)	---	(89,000)	(86,000)	(87,234)	(+6,808)
Office of civil rights	8,518	8,700	8,700	8,700	8,700	+182
Rescission of excess compensation for air carriers	---	---	---	-235,000	-235,000	-235,000
Transportation planning, research, and development	20,741	10,800	10,800	15,000	20,000	-741
Working capital fund	(116,026)	---	(125,000)	(151,054)	(151,054)	(+35,028)
Minority business resource center program	895	900	900	900	900	+5
(Limitation on guaranteed loans)	(18,367)	(18,367)	(18,367)	(18,367)	(18,367)	---
Minority business outreach	2,982	3,000	3,000	3,000	3,000	+18
New headquarters building	---	160,000	---	---	68,000	+68,000
Payments to air carriers (Airport & Airway Trust Fund)	51,693	50,000	---	52,000	52,000	+307
Total, Office of the Secretary	165,255	336,089	112,400	165,600	239,834	+74,579
Federal Aviation Administration						
Operations	7,486,493	7,849,000	7,726,000	7,784,000	7,775,000	+288,507
Facilities & equipment (Airport & Airway Trust Fund)	2,892,831	2,500,000	2,500,000	2,500,000	2,540,000	-352,831
Rescission (Airport and Airway Trust Fund)	-30,000	---	---	-50,000	---	+30,000
Subtotal, F&E	2,862,831	2,500,000	2,500,000	2,450,000	2,540,000	-322,831
Research, engineering, and development (Airport and Airway Trust Fund)	118,734	117,000	117,000	129,427	130,927	+12,193
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Rescission of unobligated balances)	---	---	---	---	---	---
Pop up contract authority based on ob limit	---	---	---	---	---	---
(Liquidation of contract authorization)	(3,379,940)	(2,800,000)	---	(2,800,000)	(3,400,000)	(+20,060)
(Limitation on obligations)	(3,379,940)	(3,500,000)	---	(3,500,000)	(3,500,000)	(+120,060)
(Small community air service pilot program)	(20,000)	---	---	(20,000)	(20,000)	---

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Alliance Airport, TX (Sec. 167)	1,988	---	---	---	---	-1,988
Rescission of contract authorization	---	---	---	-265,000	-265,000	-265,000
Subtotal, Grants-in-aid	(3,381,928)	(3,500,000)	---	(3,235,000)	(3,235,000)	(-146,928)
Aviation insurance revolving fund	---	---	---	---	---	---
War risk insurance	---	---	-50,000	-50,000	-50,000	-50,000
Total, Federal Aviation Administration	10,500,046	10,466,000	10,293,000	10,363,427	10,395,927	-104,119
(Limitations on obligations)	(3,379,940)	(3,500,000)	---	(3,500,000)	(3,500,000)	(+120,060)
Rescissions	-30,000	---	---	-50,000	---	+30,000
Rescissions of contract authority	---	---	---	-265,000	-265,000	-265,000
Subtotal	(13,849,986)	(13,966,000)	(10,293,000)	(13,548,427)	(13,630,927)	(-219,059)
Federal Highway Administration						
Limitation on administrative expenses	(335,612)	(349,594)	---	(349,594)	(346,500)	(+10,888)
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(33,643,326)	(33,643,326)	---	(34,900,000)	(34,641,000)	(+997,674)
(Transfer out)	---	---	---	(-152,300)	(-157,386)	(-157,386)
(Exempt obligations)	(931,297)	(834,632)	---	(834,632)	(834,642)	(-96,655)
(Liquidation of contract authorization)	(34,000,000)	(34,000,000)	---	(35,000,000)	(35,000,000)	(+1,000,000)
Miscellaneous appropriations (rescission)	---	---	---	---	---	---
Miscellaneous rescission of contract authority	-207,000	-300,000	---	-300,000	-1,353,320	-1,146,320
TEA-21 Re-designations, etc. (Sec. 112)	---	---	---	---	---	---
State of Wisconsin P.L. 107-87 (Sec. 113)	---	---	---	---	---	---
Ohio River Bridges	---	---	---	---	---	---
Kentucky Highlands	---	---	---	---	---	---
Appalachian development highway system	124,263	---	---	100,000	80,000	-44,263
TFIA (rescission)	---	---	---	-100,000	-100,000	-100,000
Miscellaneous projects (Highway trust fund) (Sec. 162)	49,705	---	---	---	---	-49,705
Rock County road, Jamesville, WI (Sec. 167)	994	---	---	---	---	-994
I-75 improvements, Lee County, FL (Sec. 167)	2,485	---	---	---	---	-2,485
Emergency relief- highways	---	---	---	---	741,000	+741,000
Belleair causeway bridge (Sec. 126)	---	---	---	---	34,000	+34,000
Rescission of completed projects	---	---	---	---	-16,000	-16,000
Total, Federal Highway Administration	177,447	---	---	100,000	855,000	+677,553
(Limitations on obligations)	(33,643,326)	(33,643,326)	---	(34,900,000)	(34,641,000)	(+997,674)
(Exempt obligations)	(931,297)	(834,632)	---	(834,632)	(834,642)	(-96,655)
Rescissions	---	---	---	-100,000	-116,000	-116,000
Rescissions of contract authority	-207,000	-300,000	---	-300,000	-1,353,320	-1,146,320
Net total, FHWA	(34,545,070)	(34,177,958)	---	(35,434,632)	(34,861,322)	(+316,252)
Federal Motor Carrier Safety Administration						
Motor carrier safety (limitation on administrative expenses) (limitation on obligations)	(175,031)	(228,000)	---	(260,000)	(257,547)	(+82,516)
National motor carrier safety program (Highway Trust Fund):						
(Liquidation of contract authorization)	(190,000)	(227,000)	---	(190,000)	(190,000)	---
(Limitation on obligations)	(188,879)	(227,000)	---	(190,000)	(190,000)	(+1,121)
E-Gov (Highway trust fund)	---	450	---	---	---	---
Total, Federal Motor Carrier Safety Admin.	---	450	---	---	---	---
(Limitations on obligations)	(363,910)	(455,000)	---	(450,000)	(447,547)	(+83,637)
National Highway Traffic Safety Administration						
Operations and research	---	139,300	---	---	---	---
Operations and research (HTF)	(149,657)	---	---	(152,300)	(157,386)	(+7,729)
Operations and research (Highway trust fund):						
(Liquidation of contract authorization)	(72,000)	(90,000)	---	(72,000)	(72,000)	---
(Limitation on obligations)	(71,575)	(90,000)	---	(72,000)	(72,000)	(+425)

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
National Driver Register (Highway trust fund)	(3,558)	(4,000)	---	(4,000)	(3,600)	(+42)
Subtotal, Operations and research	(224,790)	(233,300)	---	(228,300)	(232,986)	(+8,196)
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(223,673)	(456,000)	---	(225,000)	(225,000)	(+1,327)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(164,027)	(296,000)	---	(165,000)	(165,000)	(+973)
Occupant protection incentive grants (Sec. 405)	(19,882)	---	---	(20,000)	(20,000)	(+118)
Alcohol-impaired driving countermeasures grants (Sec. 410)	(39,764)	---	---	(40,000)	(40,000)	(+236)
Emergency medical services grants (Sec. 407)	---	(10,000)	---	---	---	---
State traffic safety info system improvement grants (Sec. 412)	---	(50,000)	---	---	---	---
Safety Incentive Grants for primary seat belt laws	---	(100,000)	---	---	---	---
Subtotal, limitation on obligations	(223,673)	(456,000)	---	(225,000)	(225,000)	(+1,327)
Total, National Highway Traffic Safety Admin.	---	139,300	---	---	---	---
(Limitations on obligations)	(298,806)	(550,000)	---	(301,000)	(300,600)	(+1,794)
Total budgetary resources	(298,806)	(689,300)	---	(301,000)	(300,600)	(+1,794)
Federal Railroad Administration						
Safety and operations	130,053	142,396	---	139,849	139,769	+9,716
Railroad research and development	33,824	36,025	---	35,225	36,025	+2,201
Amtrak RRIF repayment deferment	2,982	---	---	---	6,000	+3,018
Pennsylvania Station Redevelopment project (advance appropriation	---	---	-39,827	---	---	---
Next generation high-speed rail	37,179	10,000	---	20,000	19,650	-17,529
Alaska Railroad rehabilitation	24,853	---	---	25,000	25,000	+147
Grants to the National Railroad Passenger Corporation	1,217,773	900,000	---	1,217,000	1,217,000	-773
Total, Federal Railroad Administration	1,446,664	1,088,421	---	1,437,074	1,443,444	-3,220
Federal Transit Administration						
Administrative expenses	15,011	---	---	9,984	9,750	-5,261
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(60,044)	---	---	(68,016)	(68,250)	(+8,206)
Office of the Administrator	(965)	---	---	(900)	---	(-965)
Office of Cheif Counsel	(3,870)	---	---	(4,050)	---	(-3,870)
Office of Civil Rights	(2,701)	---	---	(2,750)	---	(-2,701)
Office of Communications and Congressional Affairs	(1,162)	---	---	(1,210)	---	(-1,162)
Office of Budget and Policy	(6,195)	---	---	(6,700)	---	(-6,195)
Office of of Planning	(3,646)	---	---	(4,000)	---	(-3,646)
Office of of Program Management	(7,115)	---	---	(7,120)	---	(-7,115)
Office of research, Demonstration and Innovation	(4,826)	---	---	(4,830)	---	(-4,826)
Office of Administration	(6,716)	---	---	(6,725)	---	(-6,716)
Central Account	(16,734)	---	---	(18,015)	---	(-16,734)
Regional offices	(18,938)	---	---	(19,200)	---	(-18,938)
National Transit database	(2,187)	---	---	(2,500)	---	(-2,187)
Subtotal	(75,055)	---	---	(78,000)	---	(-75,055)
Subtotal, Administrative expenses	(75,055)	---	---	(78,000)	(78,000)	(+2,945)
Administrative expenses per President's request	---	79,931	---	---	---	---
Formula grants	763,270	---	---	512,918	504,022	-259,248
Formula grants (Highway Trust Fund) (limitation on obligations)	(3,053,080)	(5,622,871)	---	(3,494,257)	(3,528,153)	(+475,073)
Subtotal, Formula grants	(3,816,350)	(5,622,871)	---	(4,007,175)	(4,032,175)	(+215,825)
University transportation research	1,193	---	---	768	750	-443
University transportation research (Highway Trust Fund, Mass Transit Acct) (limitation on obligations)	(4,772)	---	---	(5,232)	(5,250)	(+478)
Subtotal, University transportation research	(5,965)	---	---	(6,000)	(6,000)	(+35)

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Transit planning and research	25,051	---	---	16,384	16,000	-9,051
Transit planning and research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(100,205)	---	---	(111,616)	(112,000)	(+11,795)
Flexible funding	---	---	---	---	---	---
Subtotal, Transit planning and research	(125,256)	---	---	(128,000)	(128,000)	(+2,744)
Rural transportation assistance	(5,219)	---	---	(5,250)	(5,250)	(+31)
National transit institute	(3,976)	---	---	(4,000)	(4,000)	(+24)
Transit cooperative research	(8,201)	---	---	(8,250)	(8,250)	(+49)
Metropolitan planning	(60,030)	---	---	(60,386)	(60,386)	(+356)
State planning	(12,540)	---	---	(12,614)	(12,614)	(+74)
National planning and research	(35,291)	---	---	(37,500)	(37,500)	(+2,209)
Subtotal, Transit planning and research	(125,257)	---	---	(128,000)	(128,000)	(+2,743)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(5,812,702)	(329,006)	---	(6,764,976)	(6,744,500)	(+931,798)
Capital investment grants	623,798	---	39,827	436,970	417,353	-206,445
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(2,495,191)	---	---	(2,976,855)	(2,921,472)	(+426,281)
Capital investment grants outlays	---	---	---	---	---	---
Subtotal, Capital investment grants	(3,118,989)	---	(39,827)	(3,413,825)	(3,338,825)	(+219,836)
Major capital investment grants	---	1,234,192	---	---	---	---
Major capital investment grants (Highway Trust Fund, Mass Transit Account) (Limitation on obligations)	---	(329,006)	---	---	---	---
Fixed guideway modernization	(1,199,388)	---	---	(1,214,400)	(1,214,400)	(+15,012)
Buses and bus-related facilities	(603,618)	---	---	(725,000)	(675,000)	(+71,382)
New starts	(1,315,984)	---	---	(1,474,425)	(1,474,425)	(+158,441)
Subtotal	(3,118,990)	---	---	(3,413,825)	(3,363,825)	(+244,835)
Job access and reverse commute grants	24,853	---	---	16,000	15,625	-9,228
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(99,410)	---	---	(109,000)	(109,375)	(+9,965)
Subtotal, Job access and reverse commute grants	(124,263)	---	---	(125,000)	(125,000)	(+737)
Allegheny Port authority (sec. 166)	---	---	---	---	---	---
Total, Federal Transit Administration	1,453,176	---	39,827	993,024	963,500	-489,676
FTA per President's request	---	1,314,123	---	---	---	---
(Limitations on obligations)	(5,812,702)	(5,951,877)	---	(6,764,976)	(6,744,500)	(+931,798)
Total budgetary resources, FTA	(7,265,878)	(7,266,000)	(39,827)	(7,758,000)	(7,708,000)	(+442,122)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	14,315	15,900	15,900	15,900	15,900	+1,585
Maritime Administration						
Maritime security program	98,118	98,700	98,700	98,700	98,700	+582
Operations and training	106,366	109,300	106,400	110,910	109,478	+3,112
Ship disposal	16,115	21,616	19,116	21,616	21,616	+5,501
Vessel operations revolving fund	---	---	---	---	---	---

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Maritime Guaranteed Loan (Title XI) Program Account:						
Administrative expenses	4,471	4,764	4,764	4,764	4,764	+293
National defense tank vessel construction program	---	---	---	150,000	75,000	+75,000
Total, Maritime Administration	225,070	234,380	228,980	385,990	309,558	+84,488
Rescissions	-4,107	---	-1,979	-1,900	-1,979	+2,128
Net total, Maritime Administration	220,963	234,380	227,001	384,090	307,579	+86,616
Research and Special Programs Administration						
Research and special programs	46,167	52,936	46,790	49,000	47,115	+948
Pipeline safety:						
Pipeline Safety Fund	52,991	51,073	54,466	52,073	54,769	+1,778
Oil Spill Liability Trust Fund	12,923	19,000	14,000	19,000	15,000	+2,077
Subtotal, Pipeline safety program (incl reserve)	65,914	70,073	68,466	71,073	69,769	+3,855
Emergency preparedness grants:						
Emergency preparedness fund	199	200	200	200	200	+1
Limitation on emergency preparedness fund	(14,300)	(14,300)	(14,300)	(14,300)	(14,300)	---
Total, Research and Special Programs Admin	112,280	123,209	115,456	120,273	117,084	+4,804
Office of Inspector General						
Salaries and expenses	55,670	59,000	58,000	59,000	59,000	+3,330
Surface Transportation Board						
Salaries and expenses	19,406	20,521	---	21,250	21,250	+1,844
Offsetting collections	-1,050	-1,050	---	-1,050	-1,050	---
Total, Surface Transportation Board	18,356	19,471	---	20,200	20,200	+1,844
Net total, title I, Department of Transportation	13,927,172	13,496,343	10,821,757	12,708,588	12,448,148	-1,479,024
Appropriations	(14,168,279)	(13,796,343)	(10,863,563)	(13,660,488)	(14,419,447)	(+251,168)
Emergency	---	---	---	---	---	---
Offsets for new user fees	---	---	---	---	---	---
Rescissions	(-34,107)	---	(-41,806)	(-386,900)	(-352,979)	(-318,872)
Rescission of contract authority	(-207,000)	(-300,000)	---	(-565,000)	(-1,618,320)	(-1,411,320)
(By transfer)	(149,657)	---	---	(152,300)	(157,386)	(+7,729)
(Transfer authority)	---	---	---	---	---	---
(Limitations on obligations)	(43,498,684)	(44,100,203)	---	(45,915,976)	(45,633,647)	(+2,134,963)
(Exempt obligations)	(931,297)	(834,632)	---	(834,632)	(834,642)	(-96,655)
Net total budgetary resources	(58,357,153)	(58,431,178)	(10,821,757)	(59,459,196)	(58,916,437)	(+559,284)
Transportation discretionary total	13,927,172	13,496,343	10,821,757	12,708,588	12,448,148	-1,479,024

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II - DEPARTMENT OF THE TREASURY						
Departmental Offices	175,070	185,041	177,000	161,313	157,559	-17,511
Executive direction	---	---	---	(10,020)	(7,274)	(+7,274)
General Counsel	---	---	---	(7,532)	(7,200)	(+7,200)
Economic policies and and programs	---	---	---	(33,186)	(31,657)	(+31,657)
Financial policies and programs	---	---	---	(26,914)	(26,072)	(+26,072)
Financial crimes	---	---	---	(5,912)	(10,633)	(+10,633)
Treasury wide management	---	---	---	(17,569)	(16,760)	(+16,760)
Administration	---	---	---	(60,180)	(57,963)	(+57,963)
Subtotal	---	---	---	(161,313)	(157,559)	(+157,559)
Office of Foreign asset control	---	---	---	22,291	22,291	+22,291
Department-wide systems and capital investments programs	36,185	36,072	36,072	30,260	32,260	-3,925
Office of Inspector General	12,923	14,158	16,500	16,158	16,500	+3,577
Treasury Inspector General for Tax Administration	127,279	129,126	129,126	129,126	129,126	+1,847
Air Transportation Stabilization Program Account	2,523	2,800	2,000	2,000	2,000	-523
Treasury Building and Annex Repair and Restoration	24,853	20,316	20,316	12,316	12,316	-12,537
Expanded Access to Financial Services (rescission)	---	-4,000	-4,000	-4,000	-4,000	-4,000
Violent crime reduction program (rescission)	---	-1,000	-1,000	-1,200	-1,200	-1,200
Financial Crimes Enforcement Network	57,231	64,502	90,002	72,502	72,502	+15,271
Financial Management Service	227,210	230,930	230,930	230,930	230,930	+3,720
Alcohol and Tobacco Tax and Trade Bureau	79,528	81,942	82,542	83,000	83,000	+3,472
Bureau of the Public Debt	172,627	175,166	175,166	175,166	175,166	+2,539
Payment of government losses in shipment	500	1,000	1,000	1,000	1,000	+500
Internal Revenue Service:						
Processing, Assistance, and Management	4,009,205	4,148,403	4,071,824	4,107,325	4,089,574	+80,369
Tax Law Enforcement	4,171,244	4,564,350	4,278,107	4,519,350	4,398,729	+227,485
Information Systems	1,581,575	1,641,768	1,622,093	1,606,768	1,590,492	+8,917
Business systems modernization	387,699	285,000	285,000	125,000	205,000	-182,699
BSM (rescission of unapproved funds)	---	---	---	-140,000	---	---
Health Insurance Tax Credit Administration	34,794	34,841	34,841	34,841	34,841	+47
Subtotal	10,184,517	10,674,362	10,291,865	10,253,284	10,318,636	+134,119
Total, title II, Department of the Treasury	11,100,446	11,610,415	11,247,519	11,184,146	11,248,086	+147,640
Appropriations	11,100,446	11,615,415	11,252,519	11,329,346	11,253,286	+152,840
Rescissions	---	-5,000	-5,000	-145,200	-5,200	-5,200

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	450	---	450	450	450	---
Salaries and Expenses	68,760	---	59,525	63,698	62,000	-6,760
Executive Residence at the White House:						
Operating Expenses	12,427	---	12,760	12,760	12,760	+333
White House Repair and Restoration	4,200	---	1,900	1,900	1,900	-2,300
Council of Economic Advisers	4,475	---	4,040	4,040	4,040	-435
Office of Policy Development	4,085	---	2,267	2,392	2,300	-1,785
National Security Council	10,489	---	8,932	8,932	8,932	-1,557
Homeland Security Council	---	---	2,475	---	---	---
Office of Administration	82,337	---	92,696	92,869	92,269	+9,932
The White House salaries and expenses	---	181,048	---	---	---	---
Office of Management and Budget	66,763	76,565	67,759	68,411	68,411	+1,648
Office of National Drug Control Policy:						
Salaries and expenses	27,832	27,609	28,109	27,000	27,000	-832
Counterdrug Technology Assessment Center	41,752	40,000	30,000	42,000	42,000	+248
Subtotal	69,584	67,609	58,109	69,000	69,000	-584
High Intensity Drug Trafficking Areas Program	225,015	208,350	215,350	228,350	228,350	+3,335
Other Federal Drug Control Programs	227,649	235,000	195,000	195,500	213,700	-13,949
Unanticipated Needs	994	1,000	1,000	1,000	1,000	+6
Special Assistance to the President and the Official Residence of the Vice President:						
Salaries and expenses	4,435	4,571	4,571	4,571	4,571	+136
Operating expenses	329	333	333	333	333	+4
Total, title III, Executive Office of the President and Funds Appropriated to the President	781,992	774,476	727,167	754,206	770,016	-11,976

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IV - INDEPENDENT AGENCIES						
Architectural and Transportation Barriers Compliance Board:						
Salaries and expenses	5,369	5,686	5,686	5,686	5,686	+317
National Transportation Safety Board:						
Salaries and expenses	73,065	74,425	76,925	76,425	76,700	+3,635
Rescission of prior year funds	---	-8,000	-8,000	-8,000	-8,000	-8,000
Emergency fund	596	---	---	---	---	-596
Committee for Purchase From People Who Are Blind or Severely Disabled	---	---	---	4,672	---	---
Federal Election Commission	50,938	52,159	52,159	52,159	52,159	+1,221
Election Assistance Commission:						
Salaries and expenses	1,193	20,000	15,000	10,000	14,000	+12,807
Election reform programs	1,491,150	30,000	---	---	---	-1,491,150
Federal Labor Relations Authority	29,436	29,673	29,673	25,673	25,673	-3,763
FLRA (rescission)	---	---	---	-3,000	-3,000	-3,000
Federal Maritime Commission	18,362	19,496	19,362	19,496	19,496	+1,134
General Services Administration:						
Federal Buildings Fund:						
Appropriations	443,369	---	1,622,282	---	---	-443,369
Limitations on availability of revenue:						
Construction and acquisition of facilities	(708,268)	(650,223)	(522,251)	(710,823)	(708,542)	(+274)
Repairs and alterations	(991,300)	(980,222)	(931,211)	(980,222)	(980,222)	(-11,078)
Installment acquisition payments	(169,745)	(161,442)	(161,442)	(161,442)	(161,442)	(-8,303)
Rental of space	(3,280,187)	(3,672,315)	(3,659,565)	(3,597,315)	(3,657,315)	(+377,128)
Building Operations	(1,608,708)	(1,709,522)	(1,696,772)	(1,709,522)	(1,709,522)	(+100,814)
Subtotal, limitations	(6,758,208)	(7,173,724)	(6,971,241)	(7,159,324)	(7,217,043)	(+458,835)
Repayment of Debt	(54,256)	(41,000)	(41,000)	(41,000)	(41,000)	(-13,256)
Rental income to fund	---	---	---	---	---	---
Total, Federal Buildings Fund	443,369	---	1,622,282	---	---	-443,369
(Limitations)	(6,812,464)	(7,214,724)	(7,012,241)	(7,200,324)	(7,258,043)	(+445,579)
Governmentwide policy	56,050	62,100	62,100	62,100	62,100	+6,050
Operating Expenses	87,590	82,175	82,175	85,175	92,175	+4,585
Office of Inspector General	38,938	42,351	42,351	42,351	42,351	+3,413
Electronic Government (E-Gov) Fund	2,982	5,000	5,000	3,000	3,000	+18
General supply fund for E-Gov (FY05 Sec. 409)	---	40,000	---	---	---	---
Allowances and Office Staff for Former Presidents	3,373	3,449	3,449	3,106	3,106	-267
Expenses, Presidential transition	---	7,700	7,700	7,700	---	---
Federal building project (FY04 Sec. 408)	13,917	---	---	---	---	-13,917
San Joaquin conveyance (FY04 Sec. 412)	-1,000	---	---	---	---	+1,000
Middle River Depot sale (FY05 Sec. 407)	---	---	---	---	---	---
Federal building construction schedule adjustments (Sec. 409)	---	---	---	-106,000	-106,000	-106,000
Total, General Services Administration	645,219	242,775	1,825,057	97,432	96,732	-548,487
Merit Systems Protection Board:						
Salaries and Expenses	32,683	37,303	34,683	34,677	34,677	+1,994
Limitation on administrative expenses	2,611	---	---	---	---	-2,611
Morris K. Udall Foundation:						
Morris K. Udall Trust Fund	1,984	---	1,984	1,996	1,996	+12
Environmental Dispute Resolution Fund	1,301	700	1,301	1,309	1,309	+8
National Archives and Records Administration:						
Operating expenses	255,185	266,945	264,185	266,945	266,945	+11,760
Electronic records archive	35,702	35,914	35,914	35,914	35,914	+212
Reduction of debt	-7,810	-8,000	-8,000	-8,000	-8,000	-190
Repairs and Restoration	13,627	6,182	7,182	12,182	13,432	-195

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
National Historical Publications and Records Commission: Grants program	9,941	3,000	3,000	5,000	5,000	-4,941
Total, National Archives and Records Admin	306,645	304,041	302,281	312,041	313,291	+6,646
Office of Government Ethics	10,675	11,238	11,238	11,238	11,238	+563
Office of Personnel Management:						
Salaries and Expenses	118,793	131,291	120,444	130,600	125,500	+6,707
Limitation on administrative expenses	135,112	128,462	128,462	128,462	128,462	-6,650
Office of Inspector General	1,489	1,627	1,627	1,627	1,627	+138
Limitation on administrative expenses	14,342	16,461	16,461	16,461	16,461	+2,119
Government Payment for Annuitants, Employees Health Benefits	7,219,000	8,135,000	8,135,000	8,135,000	8,135,000	+916,000
Government Payment for Annuitants, Employee Life Insurance	35,000	35,000	35,000	35,000	35,000	---
Payment to Civil Service Retirement and Disability Fund	9,987,000	9,772,000	9,772,000	9,772,000	9,772,000	-215,000
Human Capital Performance Fund	994	300,000	12,514	---	---	-994
Total, Office of Personnel Management	17,511,730	18,519,841	18,221,508	18,219,150	18,214,050	+702,320
Office of Special Counsel	13,424	15,449	15,449	15,449	15,449	+2,025
Postal Service:						
Payment to the Postal Service Fund	28,829	---	---	29,000	529,000	+500,171
Advance appropriation provided in previous act for FY2005	30,831	36,521	36,521	36,521	36,521	+5,690
Total available for FY2005	59,660	36,521	36,521	65,521	565,521	+505,861
Advance appropriation for FY 2006	36,306	61,709	61,709	61,709	61,709	+25,403
Emergency preparedness plan (emergency appropriations)	---	---	---	507,000	7,000	+7,000
United States Tax Court	39,950	41,180	41,180	41,180	41,180	+1,230
White House Commission on the National Moment of Remembrance	---	---	---	250	---	---
Total, title IV, Independent Agencies	20,332,297	19,494,196	20,743,716	19,552,063	19,546,866	-785,431

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Title V - General Provisions, This Act						
Payments to air carriers (Airport & Airway Trust Fund)	---	-30,000	---	---	---	---
Continued dumping/subsidy offset (FY05 Sec. 635).....	---	-1,450,000	---	---	---	---
Eliminate 10 year limit on debt collection (FY05 Sec. 642).....	---	-2,000	---	-2,000	---	---
HHS info match- new hires (FY05 Sec. 643).....	---	-125,000	---	-125,000	-125,000	-125,000
Collect unemployment overpayment (FY05 Sec. 644).....	---	-20,000	---	-20,000	---	---
Total, General provisions.....	---	-1,627,000	---	-147,000	-125,000	-125,000
Grand total.....	46,141,907	43,748,430	43,540,159	44,052,003	43,888,116	-2,253,791
Appropriations.....	(46,315,877)	(43,963,200)	(43,496,735)	(44,554,873)	(45,770,385)	(-545,492)
Emergency.....	---	---	---	(507,000)	(7,000)	(+7,000)
Offset for new user fees.....	---	---	---	---	---	---
Rescissions.....	(-34,107)	(-13,000)	(-54,806)	(-543,100)	(-369,179)	(-335,072)
Rescission of contract authority.....	(-207,000)	(-300,000)	---	(-565,000)	(-1,618,320)	(-1,411,320)
Advance appropriation provided in previous act for FY2005.....	(30,831)	(36,521)	(36,521)	(36,521)	(36,521)	(+5,690)
Advance appropriation.....	(36,306)	(61,709)	(61,709)	(61,709)	(61,709)	(+25,403)
(By transfer).....	(149,657)	---	---	(152,300)	(157,386)	(+7,729)
(Transfer out).....	---	---	---	(-152,300)	(-157,386)	(-157,386)
(Transfer authority).....	---	---	---	---	---	---
(Limitation on obligations).....	(43,498,684)	(44,100,203)	---	(45,915,976)	(45,633,647)	(+2,134,963)
(Rescissions of limitations on obligations).	---	---	---	---	---	---
(Exempt obligations).....	(931,297)	(834,632)	---	(834,632)	(834,642)	(-96,655)
Net total budgetary resources.....	(90,571,888)	(88,683,265)	(43,540,159)	(90,802,611)	(90,356,405)	(-215,483)
Discretionary total.....	27,446,781	25,805,430	25,556,882	25,115,529	24,981,166	-2,465,615

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
Scorekeeping adjustments:						
Pipeline safety (OSLTF)	-49,000	-51,000	-54,000	-52,000	-55,000	-6,000
Payments to air carriers (Airport & Airway Trust Fund)	---	---	---	-30,000	---	---
TASC adjustments (Sec. 348)	-17,816	---	---	-20,844	-20,000	-2,184
IRS postage reimbursement	---	---	---	---	---	---
Bureau of The Public Debt (Permanent)	154,000	143,000	143,000	143,000	143,000	-11,000
Federal Reserve Bank reimbursement fund	122,000	175,000	175,000	175,000	175,000	+53,000
US Mint revolving fund	---	---	---	---	-15,000	-15,000
Sallie Mae	994	1,000	1,000	1,000	1,000	+6
Federal buildings fund	-8,000	15,000	-162,000	1,000	59,043	+67,043
Advance appropriations:						
Postal service, FY 2005	-36,521	-61,709	-61,709	-61,709	-61,709	-25,188
Adjustment for GSA transfer to Homeland Security	-424,211	---	---	---	---	+424,211
Kenilworth Avenue bridge project (Sec.546)	---	---	---	---	---	---
Emergency appropriations in this bill	---	---	---	-507,000	-7,000	-7,000
Total, adjustments	-258,554	221,291	41,291	-351,553	219,334	+477,888
Grand total (including scorekeeping)	45,883,353	43,969,721	43,581,450	43,700,450	44,107,450	-1,775,903
Appropriations	(46,093,844)	(44,246,200)	(43,599,735)	(44,265,029)	(46,051,428)	(-42,416)
Emergency	---	---	---	(507,000)	(7,000)	(+7,000)
Offset for new user fees	---	---	---	---	---	---
Rescissions	(-34,107)	(-13,000)	(-54,806)	(-543,100)	(-369,179)	(-335,072)
Rescission of contract authority	(-207,000)	(-300,000)	---	(-565,000)	(-1,618,320)	(-1,411,320)
(By transfer)	(149,657)	---	---	(152,300)	(157,386)	(+7,729)
(Transfer out)	---	---	---	(-152,300)	(-157,386)	(-157,386)
(Transfer authority)	---	---	---	---	---	---
(Limitations on obligations)	(43,498,684)	(44,100,203)	---	(45,915,976)	(45,633,647)	(+2,134,963)
(Rescissions of limitations on obligations)	---	---	---	---	---	---
(Exempt obligations)	(931,297)	(834,632)	---	(834,632)	(834,642)	(-96,655)
Net grand total budgetary resources	(90,313,334)	(88,904,556)	(43,581,450)	(90,451,058)	(90,575,739)	(+262,405)
Total, (including adjustments)	45,883,353	43,969,721	43,581,450	43,700,450	44,107,450	-1,775,903
Amounts in this bill	(46,141,907)	(43,748,430)	(43,540,159)	(44,052,003)	(43,888,116)	(-2,253,791)
Scorekeeping adjustments	(-258,554)	(221,291)	(41,291)	(-351,553)	(219,334)	(+477,888)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	45,883,353	43,969,721	43,581,450	43,700,450	44,107,450	-1,775,903
Mandatory	(17,517,950)	(18,261,000)	(18,261,450)	(18,261,450)	(18,261,450)	(+743,500)
Prior year outlays	---	---	---	---	---	---
Total mandatory	(17,517,950)	(18,261,000)	(18,261,450)	(18,261,450)	(18,261,450)	(+743,500)
Discretionary	(28,365,403)	(25,708,721)	(25,320,000)	(25,439,000)	(25,846,000)	(-2,519,403)
Prior year outlays	---	---	---	---	---	---
Total discretionary	(28,365,403)	(25,708,721)	(25,320,000)	(25,439,000)	(25,846,000)	(-2,519,403)

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
RECAP BY FUNCTION						
Mandatory	17,517,950	18,261,000	18,261,450	18,261,450	18,261,450	+743,500
Prior year (outlays only)	---	---	---	---	---	---
Total, Mandatory	17,517,950	18,261,000	18,261,450	18,261,450	18,261,450	+743,500
Discretionary:						
Highway category	---	---	---	---	---	---
(Limitation on obligations)	(34,306,042)	(34,648,326)	---	(35,651,000)	(35,389,147)	(+1,083,105)
Prior year (outlays only)	---	---	---	---	---	---
Total, Highway category	(34,306,042)	(34,648,326)	---	(35,651,000)	(35,389,147)	(+1,083,105)
Highway category budget scoring	---	---	---	---	---	---
Mass Transit category	1,453,176	---	39,827	993,024	963,500	-489,676
(Limitation on obligations)	(5,812,702)	(5,951,877)	---	(6,764,976)	(6,744,500)	(+931,798)
Prior year (outlays only)	---	---	---	---	---	---
Total, Mass Transit category	(7,265,878)	(5,951,877)	(39,827)	(7,758,000)	(7,708,000)	(+442,122)
Mass Transit category budget scoring	1,453,176	---	39,827	993,024	963,500	-489,676
General purpose discretionary:						
Defense discretionary	98,118	98,700	98,700	98,700	98,700	+582
Prior year (outlays only)	---	---	---	---	---	---
Total, Defense (050)	98,118	98,700	98,700	98,700	98,700	+582
Nondefense discretionary	26,814,109	25,610,021	25,181,473	24,347,276	24,783,800	-2,030,309
Prior year (outlays only)	---	---	---	---	---	---
Total, Nondefense	26,814,109	25,610,021	25,181,473	24,347,276	24,783,800	-2,030,309
Total, General purpose discretionary	26,912,227	25,708,721	25,280,173	24,445,976	24,882,500	-2,029,727
Total, Discretionary	28,365,403	25,708,721	25,320,000	25,439,000	25,846,000	-2,519,403
Total, Mandatory and discretionary	45,883,353	43,969,721	43,581,450	43,700,450	44,107,450	-1,775,903

DIVISION H -- DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference vs. Enacted
DISCRETIONARY 302(b) ALLOCATION						
TOTAL discretionary (including mass transit and highway BA)	28,365,403	25,708,721	25,320,000	25,439,000	25,846,000	-2,519,403
TOTAL 302(b) discretionary allocation	---	---	25,320,000	25,439,000	25,846,000	+25,846,000
TOTAL Over/under discretionary allocation	28,365,403	25,708,721	---	---	---	-28,365,403

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	29,845,127	32,607,688	32,607,688	32,607,688	32,607,688	+2,762,561
Readjustment benefits	2,529,734	2,556,232	2,556,232	2,556,232	2,556,232	+26,498
Veterans insurance and indemnities	29,017	44,380	44,380	44,380	44,380	+15,363
Veterans housing benefit program fund program account (indefinite)	305,834	43,784	43,784	43,784	43,784	-262,050
(Limitation on direct loans)	(300)	---	(500)	(500)	(500)	(+200)
Credit subsidy	---	-144,000	-144,000	-144,000	-144,000	-144,000
Administrative expenses	153,936	154,075	154,075	154,075	154,075	+139
Education loan fund program account	1	---	---	---	---	-1
(Limitation on direct loans)	(3)	---	---	---	---	(-3)
Administrative expenses	70	---	---	---	---	-70
Vocational rehabilitation loans program account	52	47	47	47	47	-5
(Limitation on direct loans)	(3,938)	(4,108)	(4,108)	(4,108)	(4,108)	(+170)
Administrative expenses	298	311	311	311	311	+13
Native American Veteran Housing Loan Program Account	568	571	571	571	571	+3
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Total, Veterans Benefits Administration	32,864,637	35,263,088	35,263,088	35,263,088	35,263,088	+2,398,451
Veterans Health Administration						
Medical services	17,761,803	---	19,498,600	17,198,600	19,472,777	+1,710,974
Two year funding	---	---	---	1,100,000	---	---
(Emergency appropriations)	---	---	---	1,200,000	---	---
Medical administration	4,970,500	---	4,705,000	4,705,000	4,705,000	-265,500
Medical facilities	3,976,400	---	3,745,000	3,745,000	3,745,000	-231,400
Medical and prosthetic research	405,593	769,540	384,770	405,593	405,593	---
Medical care	---	24,967,830	---	---	---	---
Accelerated spending of balances, sec. 115	---	---	---	---	---	---
Two-year funding	---	1,396,000	---	---	---	---
Rescission	-270,000	---	---	---	---	+270,000
Medical care cost recovery collections:						
Offsetting collections	-1,554,772	-2,002,000	-2,002,000	-2,002,000	-2,002,000	-447,228
Appropriations (indefinite)	1,554,772	2,002,000	2,002,000	2,002,000	2,002,000	+447,228
Accelerated spending of balances (Sec. 114b)	---	---	---	---	---	---
Total, Veterans Health Administration	26,844,296	27,133,370	28,333,370	28,354,193	28,328,370	+1,484,074
Offsetting collections	(-1,554,772)	(-2,002,000)	(-2,002,000)	(-2,002,000)	(-2,002,000)	(-447,228)
Total available to VHA	(28,399,068)	(29,135,370)	(30,335,370)	(30,356,193)	(30,330,370)	(+1,931,302)
Departmental Administration						
General operating expenses	1,275,701	1,324,753	1,319,753	1,399,753	1,324,753	+49,052
National Cemetery Administration	143,352	148,925	148,925	148,925	148,925	+5,573
Office of Inspector General	61,634	64,711	69,711	64,711	69,711	+8,077
Construction, major projects	271,081	458,800	458,800	458,800	458,800	+187,719
Ominbus Appropriations (P.L. 108-199) Sec.167	497	---	---	---	---	-497
Construction, minor projects	250,656	230,799	230,799	230,779	230,779	-19,877
Grants for construction of State extended care facilities	101,498	105,163	105,163	105,163	105,163	+3,665
Grants for the construction of State veterans cemeteries	31,811	32,000	32,000	32,000	32,000	+189
Total, Departmental Administration	2,136,230	2,365,151	2,365,151	2,440,131	2,370,131	+233,901
Total, title I, Department of Veterans Affairs	61,845,163	64,761,609	65,961,609	66,057,412	65,961,589	+4,116,426
Appropriations	(63,669,935)	(65,367,609)	(67,963,609)	(66,859,412)	(67,963,589)	(+4,293,654)
Rescissions	(-270,000)	---	---	---	---	(+270,000)
Emergency appropriations	---	---	---	(1,200,000)	---	---
Offsetting collections	(-1,554,772)	(-2,002,000)	(-2,002,000)	(-2,002,000)	(-2,002,000)	(-447,228)
(Limitation on direct loans)	(54,241)	(54,108)	(54,608)	(54,608)	(54,608)	(+367)
Mandatory	(32,709,712)	(35,108,084)	(35,108,084)	(35,108,084)	(35,108,084)	(+2,398,372)
Net discretionary	(29,135,451)	(29,653,525)	(30,853,525)	(30,949,328)	(30,853,505)	(+1,718,054)
Medical care collection fund	(1,554,772)	(2,002,000)	(2,002,000)	(2,002,000)	(2,002,000)	(+447,228)
Total discretionary available	(30,690,223)	(31,655,525)	(32,855,525)	(32,951,328)	(32,855,505)	(+2,165,282)

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing Certificate Fund:						
Direct appropriation	15,081,970	14,265,800	---	16,507,804	---	-15,081,970
Advance appropriations provided in previous acts	4,175,220	4,200,000	---	4,200,000	---	-4,175,220
Subtotal, Housing certificate fund	19,257,190	18,465,800	---	20,707,804	---	-19,257,190
Advance appropriations provided in current year	4,200,000	4,200,000	---	4,200,000	---	-4,200,000
Total, Housing certificate fund	23,457,190	22,665,800	---	24,907,804	---	-23,457,190
Tenant-based Rental Assistance:						
Direct appropriation	---	---	10,477,055	---	10,685,000	+10,685,000
Advance appropriations provided in previous acts	---	---	4,200,000	---	4,200,000	+4,200,000
Subtotal, Tenant-based rental assistance	---	---	14,677,055	---	14,885,000	+14,885,000
Advance appropriations provided in current year	---	---	4,200,000	---	4,200,000	+4,200,000
Total, Tenant-based rental assistance	---	---	18,877,055	---	19,085,000	+19,085,000
Project-based rental assistance	---	---	5,340,745	---	5,341,000	+5,341,000
Public housing capital fund	2,696,253	2,674,100	2,580,000	2,700,000	2,600,000	-96,253
Public housing operating fund	3,578,760	3,573,000	3,425,000	2,610,000	2,458,000	-1,120,760
Revitalization of severely distressed public housing	149,115	---	143,000	150,000	144,000	-5,115
Native American housing block grants	650,241	647,000	622,000	650,241	627,000	-23,241
Indian housing loan guarantee fund program account	5,269	1,000	5,000	1,000	5,000	-269
(Limitation on guaranteed loans)	(197,243)	(29,070)	(145,345)	(145,345)	(145,345)	(-51,898)
Native Hawaiian housing block grant	---	9,500	---	---	---	---
Native Hawaiian housing loan guarantee fund	1,029	1,000	1,000	1,000	1,000	-29
(Limitation on guaranteed loans)	(39,712)	(37,403)	(37,403)	(37,403)	(37,403)	(-2,309)
Total, Public and Indian Housing	30,537,857	29,571,400	30,993,800	31,020,045	30,261,000	-276,857
Current year advance appropriations	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net Total (excluding current year advances)	26,337,857	25,371,400	26,793,800	26,820,045	26,061,000	-276,857
Community Planning and Development						
Housing opportunities for persons with AIDS	294,751	294,800	282,000	294,800	284,000	-10,751
Rural housing and economic development	24,853	---	24,000	25,000	24,000	-853
Empowerment zones / enterprise communities	14,912	---	14,250	---	10,000	-4,912
Community development fund	4,920,795	4,618,094	4,711,000	4,950,000	4,709,000	-211,795
Ominbus Appropriations (P.L. 108-199) Sec.165	9,941	---	---	---	---	-9,941
Ominbus Appropriations (P.L. 108-199) Sec.167	2,992	---	---	---	---	-2,992
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(275,000)	---	(275,000)	(275,000)	(275,000)	---
Credit subsidy	6,288	---	6,000	6,325	6,000	-288
Administrative expenses	994	---	1,000	1,000	1,000	+6
Brownfields redevelopment	24,853	---	24,000	25,000	24,000	-853
HOME investment partnerships program	2,005,597	2,084,200	1,920,000	2,050,000	1,915,000	-90,597
Homeless assistance grants	1,259,525	1,282,400	1,206,000	1,260,000	1,250,515	-9,010
Samaritan housing initiative (legislative proposal)	---	50,000	---	---	---	---
Total, Community planning and development	8,565,501	8,329,494	8,188,250	8,612,125	8,223,515	-341,986
Housing Programs						
Housing for the elderly	773,728	773,300	741,000	773,800	747,000	-26,728
Housing for persons with disabilities	249,092	248,700	238,000	250,000	240,000	-9,092
Housing counseling assistance	---	45,000	---	---	---	---
Manufactured housing fees trust fund	12,923	13,000	13,000	13,000	13,000	+77
Offsetting collections	-12,923	-13,000	-13,000	-13,000	-13,000	-77
Total, housing programs	1,022,820	1,067,000	979,000	1,023,800	987,000	-35,820
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(185,000,000)	(185,000,000)	(185,000,000)	(185,000,000)	(185,000,000)	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Administrative expenses	356,882	366,000	356,882	366,000	356,906	+24
Offsetting receipts	-2,921,000	-2,206,000	-2,206,000	-2,206,000	-2,206,000	+715,000
Offsetting receipts (legislative proposal)	---	-28,000	---	-28,000	-28,000	-28,000
Administrative contract expenses	84,499	70,900	78,000	70,900	78,000	-6,499

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Additional contract expenses	1,000	1,000	1,000	1,000	1,000	---
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(25,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(+10,000,000)
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Administrative expenses	227,649	234,000	227,649	234,000	227,767	+118
Offsetting receipts	-225,000	-240,000	-240,000	-240,000	-240,000	-15,000
Credit subsidy	14,912	10,000	10,000	10,000	10,000	-4,912
Non-overhead administrative expenses	93,227	81,600	86,000	81,600	86,000	-7,227
Additional contract expenses	4,000	4,000	4,000	4,000	4,000	---
Total, Federal Housing Administration	-2,363,831	-1,706,500	-1,682,469	-1,706,500	-1,710,327	+653,504
Government National Mortgage Association (GNMA)						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	---
Administrative expenses	10,695	10,986	10,695	10,986	10,695	---
Offsetting receipts	-316,124	-368,000	-368,000	-368,000	-368,000	-51,876
Policy Development and Research						
Research and technology	46,723	46,700	45,000	46,700	45,500	-1,223
Fair Housing and Equal Opportunity						
Fair housing activities	47,717	47,700	46,000	47,700	46,500	-1,217
Office of Lead Hazard Control						
Lead hazard reduction	173,968	139,000	167,000	175,000	168,000	-5,968
Management and Administration						
Salaries and expenses	543,773	591,579	543,773	590,579	547,197	+3,424
Transfer from:						
Limitation on FHA corporate funds	(560,672)	(576,000)	(560,672)	(576,000)	(560,673)	(+1)
GNMA	(10,695)	(10,986)	(10,695)	(10,986)	(10,695)	---
Community Development Loan Guarantees Program	(1,000)	---	(1,000)	(1,000)	(1,000)	---
Native American Housing Block Grants	(150)	(150)	(150)	(150)	(150)	---
Indian Housing Loan Guarantee Fund Program	(250)	(250)	(250)	(250)	(250)	---
Native Hawaiian Housing Loan Guarantees	(35)	(35)	(35)	(35)	(35)	---
Total, Salaries and expenses	(1,116,575)	(1,179,000)	(1,116,575)	(1,179,000)	(1,120,000)	(+3,425)
Working capital fund	233,614	234,000	100,000	234,000	270,000	+36,386
Office of Inspector General	76,546	77,000	77,000	83,500	80,000	+3,454
(By transfer, limitation on FHA corporate funds)	(23,858)	(24,000)	(23,858)	(24,000)	(24,000)	(+142)
Total, Office of Inspector General	(100,404)	(101,000)	(100,858)	(107,500)	(104,000)	(+3,596)
Office of Federal Housing Enterprise Oversight	39,680	59,209	59,209	59,209	59,209	+19,529
Offsetting receipts	-39,680	-59,209	-59,209	-59,209	-59,209	-19,529
Rescissions:						
Housing Certificate Fund	-2,844,000	-1,557,000	-1,557,000	-2,588,172	-1,557,000	+1,287,000
Public housing elimination grants	---	-5,000	-5,000	-5,000	-5,000	-5,000
Title VI credit subsidy	---	-21,000	-21,000	-21,000	-21,000	-21,000
Indian housing credit subsidy	---	-33,000	-33,000	-33,000	-33,000	-33,000
Urban development action grant	-30,000	---	---	---	---	+30,000
Rental housing assistance	-303,000	-675,000	-675,000	-675,000	-675,000	-372,000
GI/SRI credit subsidy	---	-30,000	-30,000	-30,000	-30,000	-30,000
Total Rescissions	-3,177,000	-2,321,000	-2,321,000	-3,352,172	-2,321,000	+856,000
Total, title II, Dept. of Housing and Urban Dev. grand net total, incl current year advance	35,402,259	35,719,359	36,779,049	36,417,763	36,240,080	+837,821
Current year advance appropriations	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net total, excluding current year advance	31,202,259	31,519,359	32,579,049	32,217,763	32,040,080	+837,821
Total Program Level (appropriation)	(37,893,986)	(36,754,568)	(37,786,258)	(38,484,144)	(37,275,289)	(-618,697)
Rescissions	(-3,177,000)	(-2,321,000)	(-2,321,000)	(-3,352,172)	(-2,321,000)	(+856,000)
Offsetting receipts	(-3,462,124)	(-2,842,000)	(-2,814,000)	(-2,842,000)	(-2,842,000)	(+620,124)
Offsetting collections	(-52,603)	(-72,209)	(-72,209)	(-72,209)	(-72,209)	(-19,606)
(Limitation on direct loans)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	---
(Limitation on guaranteed loans)	(410,511,955)	(420,066,473)	(420,457,748)	(420,457,748)	(420,457,748)	(+9,945,793)
(Limitation on corporate funds)	(596,660)	(611,421)	(596,660)	(612,421)	(596,803)	(+143)

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	41,056	41,100	41,100	46,100	41,100	+44
Foreign currency fluxuation	---	---	9,000	---	12,000	+12,000
Total American Battle Monuments Commission	41,056	41,100	50,100	46,100	53,100	+12,044
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	8,201	9,451	9,451	9,000	9,100	+899
Emergency fund	447	400	400	---	400	-47
Total	8,648	9,851	9,851	9,000	9,500	+852
Department of the Treasury						
Community Development Financial Institutions						
Community development financial institutions fund program account	60,640	48,403	60,640	55,000	55,522	-5,118
Consumer Product Safety Commission						
Salaries and expenses	59,646	62,650	62,650	62,650	62,650	+3,004
Corporation for National and Community Service						
National and community service programs operating expenses	549,961	636,232	541,000	558,311	545,884	-4,077
Salaries and expenses	24,853	---	25,000	25,500	26,000	+1,147
Office of Inspector General	6,213	6,000	6,000	6,250	6,000	-213
Total	581,027	642,232	572,000	590,061	577,884	-3,143
U.S. Court of Appeals for Veterans Claims						
Salaries and expenses	15,844	17,623	16,725	17,623	17,250	+1,406
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	28,829	29,600	29,600	29,600	29,600	+771
Department of Health and Human Services						
National Institute of Health						
National Institute of Environmental Health Sciences	78,309	80,486	80,486	80,486	80,486	+2,177
Centers for Disease Control and Prevention						
Agency for Toxic Substances and Disease Registry						
Toxic substances and environmental public health	73,034	76,654	76,654	76,654	76,654	+3,620
Total, Department of Health and Human Services	151,343	157,140	157,140	157,140	157,140	+5,797
Environmental Protection Agency						
Science and Technology	781,685	689,185	729,029	758,179	750,061	-31,624
Transfer from Hazardous Substance Superfund	44,433	36,097	36,097	36,097	36,097	-8,336
Subtotal, Science and Technology	826,118	725,282	765,126	794,276	786,158	-39,960
Environmental Programs and Management	2,280,046	2,316,959	2,241,476	2,310,263	2,313,409	+33,363
Office of Inspector General	37,336	37,997	37,000	38,000	38,000	+664
Transfer from Hazardous Substance Superfund	13,136	13,214	13,000	13,139	13,000	-136
Subtotal, OIG	50,472	51,211	50,000	51,139	51,000	+528
Buildings and facilities	39,764	42,918	39,000	40,000	39,000	-764
Hazardous Substance Superfund	1,257,537	1,381,416	1,257,537	1,381,416	1,257,537	---
Transfer to Office of Inspector General	-13,136	-13,214	-13,000	-13,139	-13,000	+136

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Transfer to Science and Technology	-44,434	-36,097	-36,097	-36,097	-36,097	+8,337
Subtotal, Hazardous Substance Superfund	1,199,967	1,332,105	1,208,440	1,332,180	1,208,440	+8,473
Leaking Underground Storage Tank Program	75,552	72,545	74,000	70,000	70,000	-5,552
Oil spill response	16,113	16,425	16,000	16,000	16,000	-113
Pesticide registration fund	---	19,400	19,400	19,400	19,400	+19,400
Pesticide registration fees	---	-19,400	-19,400	-19,400	-19,400	-19,400
State and Tribal Assistance Grants	2,705,543	1,979,500	2,197,400	2,724,000	2,458,425	-247,118
Ominbus Appropriations (P.L. 108-199) Sec.167	3,976	---	---	---	---	-3,976
Categorical grants	1,168,266	1,252,300	1,161,627	1,162,550	1,145,757	-22,509
Subtotal, STAG	3,877,785	3,231,800	3,359,027	3,886,550	3,604,182	-273,603
Total, EPA	8,365,817	7,789,245	7,753,069	8,500,408	8,088,189	-277,628
Executive Office of the President						
Office of Science and Technology Policy	6,986	7,081	7,081	7,081	6,379	-607
Council on Environmental Quality and Office of Environmental Quality	3,219	3,284	3,284	3,284	3,284	+65
Total	10,205	10,365	10,365	10,365	9,663	-542
Federal Deposit Insurance Corporation						
Office of Inspector General (transfer)	(30,125)	(30,125)	(30,125)	(30,625)	(30,125)	---
General Services Administration						
Federal Citizen Information Center Fund	13,917	14,907	14,907	14,907	14,907	+990
U.S. Interagency Council on Homelessness						
Operating expenses	1,491	1,500	1,500	1,500	1,500	+9
National Aeronautics and Space Administration						
Science, aeronautics and exploration	7,883,114	7,760,000	7,621,169	7,811,100	7,742,550	-140,564
(Emergency appropriations)	---	---	---	600,000	---	---
Exploration capabilities	7,467,779	8,456,400	7,496,800	7,736,500	8,425,850	+958,071
(Emergency appropriations)	---	---	---	200,000	---	---
Office of Inspector General	27,139	27,600	31,400	31,600	31,600	+4,461
Total, NASA	15,378,032	16,244,000	15,149,369	16,379,200	16,200,000	+821,968
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	---
(Limitation on administrative expenses, corporate funds)	(310)	(310)	(310)	(310)	(310)	---
Community Development Revolving Loan Fund	1,193	1,000	1,000	1,000	1,000	-193
National Science Foundation						
Research and related activities (non-defense)	4,183,769	4,384,000	4,083,745	4,336,320	4,186,593	+2,824
Defense function	67,599	68,000	68,000	68,000	68,000	+401
Research and related activities /1,2	4,251,368	4,452,000	4,151,745	4,404,320	4,254,593	+3,225
Major research equipment and facilities construction	154,980	213,270	208,200	130,420	175,050	+20,070
Education and human resources /1,2	938,977	771,360	842,985	929,150	848,207	-90,770
Salaries and expenses /1	218,702	294,000	249,970	269,000	225,000	+6,298
National Science Board	3,877	3,950	3,950	4,000	4,000	+123
Office of Inspector General	9,941	10,110	10,110	10,110	10,110	+169
Total, NSF	5,577,845	5,744,690	5,466,960	5,747,000	5,516,960	-60,885

/1 Recommended reflects transfer of $31.5M in admin costs to the S&E account funded in FY04 in R&RA ($26M) and EHR ($5.5M). The budget did not propose this transfer

/2 Recommended does not adopt proposed transfer of $80M for MSP to R&RA from EHR

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation..	114,322	115,000	115,000	115,000	115,000	+678
Selective Service System						
Salaries and expenses.....	26,153	26,300	26,300	26,300	26,300	+147
White House Commission on the National Moment of Rememberance.....	---	250	250	---	250	+250
Total, title III, Independent agencies.....	30,436,008	30,955,856	29,497,426	31,762,854	30,936,415	+500,407
Appropriations.....	(30,436,008)	(30,955,856)	(29,497,426)	(30,962,854)	(30,936,415)	(+500,407)
Emergency appropriations.....	---	---	---	(800,000)	---	---
(By transfer).....	(30,125)	(30,125)	(30,125)	(30,625)	(30,125)	---
(Limitation on direct loans).....	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	---
(Limitation on corporate funds).....	(310)	(310)	(310)	(310)	(310)	---
TITLE IV						
GENERAL PROVISIONS						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Community Planning and Development						
Community development fund (sec. 424).....	---	---	---	---	31,000	+31,000
Total, title IV, General Provisions.....	---	---	---	---	31,000	+31,000
Grand total.....	127,683,430	131,436,824	132,238,084	134,238,029	133,169,084	+5,485,654
Current year advances (housing cert. fund)....	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net grand total.....	123,483,430	127,236,824	128,038,084	130,038,029	128,969,084	+5,485,654
Appropriations.....	(131,999,929)	(133,078,033)	(135,247,293)	(136,306,410)	(136,206,293)	(+4,206,364)
Rescissions.....	(-3,447,000)	(-2,321,000)	(-2,321,000)	(-3,352,172)	(-2,321,000)	(+1,126,000)
Emergency appropriations.....	---	---	---	(2,000,000)	---	---
Offsetting receipts.....	(-3,462,124)	(-2,842,000)	(-2,814,000)	(-2,842,000)	(-2,842,000)	(+620,124)
Offsetting collections.....	(-1,607,375)	(-2,074,209)	(-2,074,209)	(-2,074,209)	(-2,074,209)	(-466,834)
(By transfer).....	(30,125)	(30,125)	(30,125)	(30,625)	(30,125)	---
(Limitation on direct loans).....	(1,654,241)	(1,654,108)	(1,654,608)	(1,654,608)	(1,654,608)	(+367)
(Limitation on guaranteed loans).....	(410,511,955)	(420,066,473)	(420,457,748)	(420,457,748)	(420,457,748)	(+9,945,793)
(Limitation on corporate funds).....	(596,970)	(611,731)	(596,970)	(612,731)	(597,113)	(+143)

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - Department of Veterans Affairs						
Veterans Benefits Administration	32,864,637	35,263,088	35,263,088	35,263,088	35,263,088	+2,398,451
Veterans Health Administration	26,844,296	27,133,370	28,333,370	28,354,193	28,328,370	+1,484,074
Departmental administration	2,136,230	2,365,151	2,365,151	2,440,131	2,370,131	+233,901
Total, Title I - Deparment of Veterans Affairs	61,845,163	64,761,609	65,961,609	66,057,412	65,961,589	+4,116,426
TITLE II - Dept. of Housing and Urban Dev						
Public and indian housing (excluding CY advances)	26,337,857	25,371,400	26,793,800	26,820,045	26,061,000	-276,857
Community and planning development	8,565,501	8,329,494	8,188,250	8,612,125	8,223,515	-341,986
Housing programs	1,022,820	1,067,000	979,000	1,023,800	987,000	-35,820
Federal Housing Administration	-2,363,831	-1,706,500	-1,682,469	-1,706,500	-1,710,327	+653,504
Government National Mortgage Association (GNMA)	-305,429	-357,014	-357,305	-357,014	-357,305	-51,876
Policy development and research	46,723	46,700	45,000	46,700	45,500	-1,223
Fair housing and equal opportunity activities	47,717	47,700	46,000	47,700	46,500	-1,217
Office of lead hazard control	173,968	139,000	167,000	175,000	168,000	-5,968
Management and administration	1,116,575	1,179,000	1,116,575	1,179,000	1,120,000	+3,425
Working capital fund	233,614	234,000	100,000	234,000	270,000	+36,386
Office of Inspector General	100,404	101,000	100,858	107,500	104,000	+3,596
Total, Title II - Dept. of Housing and Urban Development (excluding CY advances)	31,202,259	31,519,359	32,579,049	32,217,763	32,040,080	+837,821
TITLE III - Independent Agencies						
American Battle Monuments Commission	41,056	41,100	41,100	46,100	41,100	+44
Chemical Safety and Hazard Investigation Board	8,648	9,851	9,851	9,000	9,500	+852
Community development financial institutions fund (Department of Treasury)	60,640	48,403	60,640	55,000	55,522	-5,118
Consumer Product Safety Commission	59,646	62,650	62,650	62,650	62,650	+3,004
Corporation for National and Community Service	581,027	642,232	572,000	590,061	577,884	-3,143
U.S. Court of Appeals for Veterans Claims	15,844	17,623	16,725	17,623	17,250	+1,406
Cemeterial expenses, Army	28,829	29,600	29,600	29,600	29,600	+771
HHS/(NIH-Institute of Environmental Health Sciences) and (CDC-Toxic Subtances and Disease Registry)	151,343	157,140	157,140	157,140	157,140	+5,797
Environmental Protection Agency	8,365,817	7,789,245	7,753,069	8,500,408	8,088,189	-277,628
EOP/Office of Science and Technology Policy, Council Environmental Qual, and Office of Environmental Qual	10,205	10,365	10,365	10,365	9,663	-542
Federal Deposit Insurance Corp	30,125	30,125	30,125	30,625	30,125	---
GSA/ Federal Consumer Information Center	13,917	14,907	14,907	14,907	14,907	+990
Interagency Council on the Homeless	1,491	1,500	1,500	1,500	1,500	+9
National Aeronautics and Space Administration	15,378,032	16,244,000	15,149,369	16,379,200	16,200,000	+821,968
National Credit Union Administration	1,193	1,000	1,000	1,000	1,000	-193
National Science Foundation	5,577,845	5,744,690	5,466,960	5,747,000	5,516,960	-60,885
Neighborhood Reinvestment Corporation	114,322	115,000	115,000	115,000	115,000	+678
Selective Service System	26,153	26,300	26,300	26,300	26,300	+147
Commission on National Day of Rememberance	---	250	250	---	250	+250
Total Title III - Independent Agencies	30,436,008	30,955,856	29,497,426	31,762,854	30,936,415	+500,407
TITLE IV - General Provisions						
Community development fund (sec. 424)	---	---	---	---	31,000	+31,000
Total Title IV - General Provisions	---	---	---	---	31,000	+31,000
Grand total	127,683,430	131,436,824	132,238,084	134,238,029	133,169,084	+5,485,654
Current year advances (housing cert. fund)	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net grand total	123,483,430	127,236,824	128,038,084	130,038,029	128,938,084	+5,454,654
Mandatory	(32,709,712)	(35,108,084)	(35,108,084)	(35,108,084)	(35,108,084)	(+2,398,372)
Discretionary	(90,773,718)	(92,128,740)	(92,930,000)	(94,929,945)	(93,861,000)	(+3,087,282)

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
FSLIC resolution fund (mandatory)	-3,000	-1,000	-1,000	-1,000	-1,000	+2,000
Housing certificate fund, advance appropriations provided in FY 2004 and FY 2005	-4,200,000	-4,200,000	-4,200,000	-4,200,000	-4,200,000	---
Emergency appropriations in this bill	---	---	---	-2,000,000	---	---
Total, adjustments	-4,203,000	-4,201,000	-4,201,000	-6,201,000	-4,201,000	+2,000
Total (including adjustments)	123,480,430	127,235,824	128,037,084	128,037,029	128,968,084	+5,487,654
Amounts in this bill	(127,683,430)	(131,436,824)	(132,238,084)	(134,238,029)	(133,169,084)	(+5,485,654)
Scorekeeping adjustments	(-4,203,000)	(-4,201,000)	(-4,201,000)	(-6,201,000)	(-4,201,000)	(+2,000)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	123,480,430	127,235,824	128,037,084	128,037,029	128,968,084	+5,487,654
Mandatory	32,706,712	35,107,084	35,107,084	35,107,084	35,107,084	+2,400,372
Discretionary	90,773,718	92,128,740	92,930,000	92,929,945	93,861,000	+3,087,282

DIVISION I-- VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS BILL - FY 2005 (H.R. 4818)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	House	Senate	Conference	Conference vs. Enacted
RECAP BY FUNCTION						
Mandatory	32,706,712	35,107,084	35,107,084	35,107,084	35,107,084	+2,400,372
Prior year outlays	---	---	---	---	---	---
Total, Mandatory	32,706,712	35,107,084	35,107,084	35,107,084	35,107,084	+2,400,372
Discretionary:						
General purpose discretionary:						
Defense discretionary	93,752	94,300	94,300	94,300	94,300	+548
Prior year outlays	---	---	---	---	---	---
Total, Defense discretionary	93,752	94,300	94,300	94,300	94,300	+548
Nondefense discretionary	90,679,966	92,034,440	92,835,700	92,835,645	93,766,700	+3,086,734
Prior year outlays	---	---	---	---	---	---
Total, Nondefense discretionary	90,679,966	92,034,440	92,835,700	92,835,645	93,766,700	+3,086,734
Total, Discretionary	90,773,718	92,128,740	92,930,000	92,929,945	93,861,000	+3,087,282
Grand total, Mandatory and Discretionary	123,480,430	127,235,824	128,037,084	128,037,029	128,968,084	+5,487,654
GENERAL PURPOSE	90,773,718	92,128,740	92,930,000	92,929,945	93,861,000	+3,087,282

HIGHLIGHTS OF THE FINAL FY05 SPENDING BILLS

The final spending package fully complies with the spending targets agreed to by the Congress and the Administration, totaling $821.9 billion in FY05 Discretionary spending. This represents a freeze or zero percent growth in non-defense discretionary. Total discretionary spending in the bill is $388.4 billion. All additional spending is paid for by an across the board cut of .80% in all non-defense and non-homeland security spending, $300 million rescission in non-war, non-emergency defense funds, $283 million from limitations on expenditures from the Crime Victims Fund. All figures listed below are subject to a .80% reduction. The bill drops provisions relating to overtime regulations and the Administration's competitive sourcing initiative.

''This is a lean and clean package that adheres to the budgetary limits agreed to by the Congress and the President. We have resisted many requests for additions to the package that would have busted the budget by billions of dollars. The bill also is free of controversial legislative riders. The only provisions that were included had bipartisan, bicameral support,'' said C.W. Bill Young, Chairman of the House Appropriations Committee.

Agriculture

Bill Highlights: In total, the bill provides nearly $17 billion in total discretionary resources. This level represents an increase of $393 million over the President's request and nearly $123 million over the FY04 enacted level.

FY 04 Funding Level: $16.84 billion ($69.746 billion total mandatory).

FY 05 President's Request: $16.57 billion ($66.370 billion total mandatory).

FY 05 Bill: $16.96 billion ($66.294 billion total mandatory).

Protecting Human Health and Safety:

Food Safety and Inspection Service is increased by $44 million over last year, for a total of $824 million, $15 million below the President's request.

Animal and Plant Health Inspection Service activities are funded at $98 million above last year for a total of $820 million, and a decrease of $14 million below the President's request. This includes an increase of $33 million for an animal identification system.

Food and Drug Administration is funded at $1.462 billion, $76 million above last year and $33 million below the President's request. This includes the full amount requested for the medical device program.

Bovine Spongiform Encephalopathy (BSE) detection and prevention activities are increased $20 million, the same as the President's budget request.

Fulfilling Commitments to Important Food and Nutrition Programs:

Child Nutrition Programs (Mandatory) are funded at $11.8 billion, $365 million above last year and $406 million above the President's request.

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is funded at $5.3 billion, $666 million above last year and $190 million above the President's request.

Food Stamp Program (Mandatory) is funded at $35.2 billion, an increase of $4.2 billion above last year and $1.5 billion above the President's request.

Food for Peace Program (PL 480) Title II is funded at a program level of $1.18 billion, a decrease of $2.5 million below the President's request and last year's level.

Commodity Supplemental Food Program (CSFP) is funded at $108 million, an increase of $9 million above last year and the President's request.

Supporting Farmers, Ranchers, and Rural America:

Farm Service Agency salaries and expenses are funded at President's request of $1.008 billion, an increase of $25 million above last year, to continue delivery of farm programs.

Agricultural Research Service is funded at $1.299 billion, an increase of $153 million above last year's level and $133 million above the President's request. Funding of $122 million is included for construction of the National Centers for Animal Health.

Conservation Operations activities are increased by $127 million over the President's request, bringing FY05 funding to $837 million, and a decrease of $11 million below last year.

Rural Community Advancement Program (RCAP) is funded at $716 million, a decrease of $37 million below last year and an increase of $174 million above the President's request. Included in the increase is an additional $111 million for rural water and waste grants above the President's request.

FY05 COMMERCE JUSTICE STATE

Funding Levels:

FY05 Funding: $40.0 billion.

FY05 President's Request: $39.6 billion.

FY04 Funding: $37.6 billion.

Provides a total of $20.6 billion for the Department of Justice, $975 million above FY04 and $804 million above the President's request, including the following:

$5.22 billion for the Federal Bureau of Investigation, an increase of $625 million above FY04 and $100 million above the President's request. This funding provides enhanced training, information technology, and staff (1,194 new positions) to improve intelligence and counterterrorism capabilities, while continuing to fight white-collar and violent crime.

$1.65 billion for the Drug Enforcement Administration, an increase of $69 million above FY04 and $8 million below the President's request.

$758 million for the United States Marshals Service, an increase of $32 million above FY04 and $14 million above the request, to meet protection requirements of the Federal judiciary and to enhance fugitive apprehension activities.

$890 million for the Bureau of Alcohol, Tobacco, Firearms and Explosives, an increase of $63 million above FY04 and $21 million above the President's request.

Provides $3 billion for assistance to State and local law enforcement for crime fighting initiatives, $906 million above the President's request and $132 million below FY04 including:

$634 million for the Edward Byrne Justice Assistance Grants program (as authorized by H.R. 3036); $384 million for juvenile delinquency prevention and accountability programs, $387 million for violence against women prevention and prosecution programs, $110 million to eliminate DNA analysis backlogs, $139 million for law enforcement technologies, and $305 million to reimburse States for criminal alien detention costs.

Department of Commerce and Related Agencies receives $6.7 billion, $761 million above FY04 and $645 million above President's request including:

$1.54 billion for the Patent and Trademark Office to reduce the growing backlog and increase quality of patent processing, $322 million above FY04 and $21 million above the request.

$3.94 billion for the National Oceanic Atmospheric Administration (NOAA), $239 million above FY04 and $567 million above the request, including $791 million for the National Weather Service, the full request, to improve forecasting.

$709 million for the National Institute of Standards and Technology (NIST), including $109 million for the Manufacturing Extension Partnership (MEP) program.

$755 million for the Census Bureau, including $146 million for the American Community Survey (ACS).

Federal Judiciary: Provides $5.16 billion for the Federal Judiciary, $315 million above FY04, to process increased workload, including an all-time high number of criminal cases and bankruptcy filings, and for supervision of an increasing number of offenders by probation officers.

State Department and the Broadcasting Board of Governors receives $8.8 billion, $704 million above FY04 (excluding supplemental appropriations).

Includes $1.6 billion to continue worldwide security improvements and replacement of vulnerable embassies.

Provides $4.2 billion for Diplomatic and Consular Programs to fund the operating costs of the Department, which is $165 million above FY04, to respond to diplomatic requirements in Haiti, Libya, and Afghanistan; strengthen visa adjudication and border security, and increase public diplomacy activities in the Arab and Muslim world.

Provides $1.67 billion for Contributions to International Organizations and International Peacekeeping Activities to fund anticipated assessments for the UN and other international organizations.

Provides $600 million for International Broadcasting to expand broadcasting to the broader Middle East.

Provides $60 million for the National Endowment for Democracy, $20 million above the FY04 level.

Other Items of Interest:

Federal Communications Commission (FCC) Bill includes $281 million, $7 million above FY04.

Securities and Exchange Commission (SEC) Bill includes total budget authority of $913 million, $102 million above FY04 and the same as the request.

Legal Services Corporation (LSC) Bill includes total budget authority of $335 million, the same as last year.

Small Business Administration (SBA) Bill provides $580 million for the SBA, and supports a record 7(a) business loan program level to help America's small businesses access capital.

FY 2005 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Funding Levels: The Chairman's mark provides a total of $28.0 billion in new discretionary spending authority for the U.S. Army Corps of Engineers-Civil, the Department of Interior including the Bureau of Reclamation, the Department of Energy, and several Independent Agencies. This bill is $734.5 million above fiscal year 2004 and $49.6 million above the President's budget request.

Corps of Engineers: The conference report supports a vigorous Civil Works program. The recommendation of $4.7 billion is $125 million over fiscal year 2004.

Bureau of Reclamation: The Chairman's mark provides funding necessary to maintain, operate, and rehabilitate Bureau projects throughout the western United States and protect the considerable Federal investment in western water infrastructure. Funding for the Bureau of Reclamation is $1 billion, $40 million over last year's level.

Department of Energy: The recommendation of $23 billion for the Department of Energy is $145 million under the President's request and $1 billion above fiscal year 2004.

The Committee funds the Yucca Mountain repository at last year's level of $577 million and does not include the proposed authorization language to reclassify the fees paid into

the Nuclear Waste Fund or the radiation standard language.

The Power Marketing Administrations are funded at $210.5 million, the same as the President's request and $1.2 million below last year. Reimbursable purchase power and wheeling activities are maintained at the fiscal year 2004 levels.

The National Nuclear Security Administration (NNSA), which includes the nuclear weapons program, defense nuclear nonproliferation, naval reactors and the office of the administrator, is funded at $8.8 billion, an increase of $156 million over last year. Funding of $6.5 billion is provided for Weapons Activities; $1.42 billion for Defense Nuclear Nonproliferation programs;

Foreign Operations

FY04 Enacted: $17.5 billion.

FY05 President's Request: $21.4 billion.

FY05 Bill: $19.8 billion.

Addressing the AIDS Pandemic: Provides a total of $2.3 billion in global assistance to combat HIV/AIDS, tuberculosis and malaria, $99 million above the President's request and $690 million more than FY04. Within this $2.3 billion, $858 million is provided for bilateral assistance through the Child Survival and Health Programs Fund and $1.385 billion is provided to the Global AIDS initiative. $600 million in global assistance is anticipated in the Labor-HHS appropriations bill, bringing total funding to $2.9 billion, $99 million above the president's request and the highest level in history.

An Innovative Approach to Foreign Assistance:

The bill provides record level funding the President's signature foreign assistance initiative, the Millennium Challenge Corporation. Total funding is $1.5 billion, $500 million above last year.

Supporting the Global War on Terror: The bill provides significant increases in security assistance to our allies in the global war on terrorism. It also increases resources for our anti-narcotic programs abroad.

Provides $73 million increase for Foreign Military Financing for Israel to assist in their security and counter-terror efforts. Total funding is $2.2 billion, the same as the President's request. Also fully funds the President's $360 million request for economic assistance to Israel.

The bill provides an increase of $350 million, for a total of $400 million to train and equip the new Afghan National Army.

A new base program of $300 million for military assistance for Pakistan as they assist us in hunting terrorists along the Afghan border.

Fully funds the President's $1.3 billion request for Foreign Military Financing for Egypt. Also fully funds the President's $535 million request for economic assistance to Egypt.

International Narcotics Control is funded at $329 million, $89 million above last year and $30 million below the request and fully funds the President's request for Mexico and Afghanistan.

The Andean Counter drug Initiative is funded at $731 million, the same as the President's request.

Other Items of Interest:

Provides $403 million in humanitarian and refugee assistance for Sudan. Including $93 million as an emergency appropriation, $75 million of which is for logistical and equipment support of the Africa Union Security Force. $95 million in humanitarian assistance was provided earlier this year in the FY05 Defense appropriations bill.

Includes $800 million for refugee programs, $50 million more than the President's request and $14 million more than last year's level.

Provides $441 million for bilateral international family planning programs, and $25 million for the UNFPA. Retains current law on restrictions and prohibitions on assistance.

Peace Corps is funded at $320 million, $12 million above FY04 and $81 million below the President's request.

Total funding of the Agency for International Development (USAID) is $4.2 billion, $221 million above the request and $254 million less than FY04.

The U.S. contribution to the multilateral development banks are funded at a level of $1.2 billion, $264 million less than the request and $154 million less than last year.

The Global Environment Facility (GEF) is funded at $108 million, $13 million below the President's request and $31 million below last year.

HIGHLIGHTS OF FY05 INTERIOR CONFERENCE REPORT

[Budget Authority—dollars in billions]

FY 2004 Enacted	FY 2005 Request	FY 2005 Recommended
20.5	19.7	20.0*

* Includes an across-the-board cut of 0.594%.

The 2005 recommended level is $469 million below the 2004 enacted level and $359 million above the 2005 requested level.

*Bill Highlights**	*Change from 2004 (in millions)*
$1.7 billion for National Park Operations	+98
3.0 billion for the Indian Health Service	+105
1.9 billion for BIA Operation of Indian programs	+62
$653 million for BIA education	+12.4
$2.6 billion for Wildland fire-fighting and National Fire Plan	+168
$500 million supplemental for urgent wildfire suppression	0
$1.4 billion for the National Forest System	+34
$949 million for the U.S. Geological Survey	+11
$167 million for Federal land acquisition	-3
$580 million for Fossil Energy R&D	-93

*Does not reflect an across-the-board recission of 0.594%.

Major Emphasis: Maintains ongoing base programs; provides the largest park base increase ever for the National Park Service; and continues responsible wildland fire suppression and hazardous fuels funding as in FY2004.

Major Initiatives:*

Provides $573 million for National Park backlog maintenance.

Provides $64 million for the Everglades restoration effort. Cumulative funding since 1993 is $1 billion.

Provides $231 million for Indian trust reform, $22 million above the 2004 level.

Provides $2.6 billion for the National Fire Plan; $1.9 billion for the Forest Service, and $743 million for the Department of the Interior. Includes an $89 million increase for wildfire suppression and a $53 million increase for hazardous fuels reduction efforts, above 2004 enacted levels. The conference agreement includes an additional $500 million for urgent wildfire suppression activities available under special circumstances.

Provides funding for NEA at $123 million, $2 million above FY04 for the New American Masterpieces initiative and $16 below the request, and $140 million for the NEH, $5 million above FY04 and $22 million below the request.

Agency Funding:*

Department of Interior—Total funding is $10 billion, $140 million above FY04 and $17 million above the request.

BLM is funded at $1.8 billion, $61 million above non-emergency FY04 funding and $3 million below the request.

U.S. Fish and Wildlife Service is funded at $1.3 billion, $3 million above FY04 and $15 million below the request.

Bureau of Indian Affairs is funded at $2.3 billion, $29 million above FY04 and $76 million above the request.

Indian Health Service—Total funding is $3 billion, 105 million over FY04 and $60 million above the request.

U.S. Forest Service—Total funding is $4.3 billion, $107 million above non-emergency FY04 funding (almost all of the increase is in fire programs) and $60 million above the request.

Smithsonian—Total funding is $624 million, $28 million above FY04 and $4 million below the request.

*Does not reflect an across-the-board rescission of 0.594%.

FY05 LEGISLATIVE BRANCH SPENDING

FY04: $3.527 billion.

FY05 Bill: $3.575 billion.

FY05 Request: $3.969 billion.

FY05 LEGISLATIVE BRANCH FUNDING

Agency	FY04 (millions)	FY05
House of Reps.	$1,008	$1,048
Capitol Police	220	232
CBO	34	35
Architect of Capitol	403	352
Library of Congress	523	550
GPO	135	121
GAO	458	471

Other Items of Interest:

Maintains current staffing levels for all legislative branch agencies.

Fully funds COLA for staff and the establishment of a staff fitness in the Rayburn garage.

FY05 LABOR, HHS, EDUCATION

Bill Funding:

FY04 Comparable: $139.424 billion.

FY05 Budget Request: $142.324 billion.

FY05 Conference Report: $143.309 billion ($493.3 billion including mandatory spending).

The bill's funding level represents a 2.79% growth from fiscal year 2004.

Protecting Priority Education Programs:

Overall, the bill provides a $1.4 billion increase for the Department of Education, bringing it to a total of $57 billion. Special Education Grants are funded at $11.5 billion, $415 million below the request and $607 above FY04. This is the highest level in history and over three times the amount provided in 1995.

Title I—Program is funded at $12.8 billion, $500 million below the budget request and $500 million above last year, to provide aid to states and school districts to help educationally disadvantaged children achieve the same high state academic performance standards as all other students.

Reading Programs—Funds reading programs at $1.2 billion, which will enable states to eliminate the reading deficit through scientific research-based reading programs, $62 million above FY04.

Improving Teacher Quality—The bills provide $2.94 billion, $10 million above the budget request and last year's level, for professional development programs to provide states and school districts with tools to improve teacher quality Math and Science Partnerships are funded at $180 million, an increase of $31 million over last year to increase the number of teachers trained in the fields of math and science.

Education Block Grant—The bill includes a restoration of the title V education block grant to $200 million, $96 million below the

fiscal year 2004 request and $180 million above the House bill.

State Assessments—The bill includes $415 million, $25 million over fiscal year 2004, to cover the cost of developing annual state assessments of students' reading and math skills. States will be responsible for selecting and designing their own assessments.

Maximum Pell Grant awards are maintained at $4050 million and the program is increased by $458 million over last year.

Impact Aid is funded at $1.24 billion, $24 million over last year's level and the budget request.

Head Start is increased $124 million over last year's level, bringing total FY05 funding to $6.9 billion. This funding level will allow Head Start to maintain current service levels while ensuring that quality improvements and training elements are fully implemented.

TRIO funding is increased to $843 million, an increase of $11 million above the fiscal year 2004 level and the President's request. The bill also increases GEAR UP funding to $309 million, also an increase of $11 million above the fiscal year 2004 level and the President's request.

Medical Research and Health Programs

Centers for Disease Control funding is $4.5 billion, $167 million above last year and $320 million above the budget request.

Community Health Centers are expanded—fourth year of the President's proposed expansion of health services to the uninsured. Total funding $1.7 billion, $131 million over last year.

National Institutes of Health—continues our commitment to curing disease through support of NIH research at $28.6 billion, $800 million more than last year.

International HIV/AIDS, TB and Malaria programs are funded at $624 million, the same as the President's request.

Ryan White AIDS program is increased by $45 million over FY04 with total funding of $2.1 billion.

Low Income Home Energy Assistance Program (LIHEAP) is funded at $2.2 billion, an increase of $84 million over last year.

Faith- and Community-Based Initiatives are increased including the Compassion Capital Fund at $55 million.

Abstinence Education—Provides $105 million for the discretionary abstinence education program, an increase of $30 million over FY04.

Social Security—Provides a 6% increase to the Social Security Administration to improve service delivery of Social Security benefits and accelerate the time it takes to process disability claims.

Supporting Job Training Programs and Dislocated Workers

Job Corps operations is funded at $1.559 billion, which provides an increase of $19 million for Center operations over last year.

Dislocated Worker Assistance is funded at $1.479 billion, adding $95.3 million over the budget request.

Community College Initiative—fully funds the President's $250 million program that will train workers for high growth/high demand industries by funding partnerships of employers, local workforce investment boards, and community colleges.

Prisoner Re-Entry Initiative—provides $20 million in support and job training for ex-offenders.

FY05 TRANSPORTATION & TREASURY

In total, the bill provides more than $89.9 billion in total budgetary resources, $495 million below the FY04 level. Discretionary spending is $25.8 billion, $112 million below the President's request and $2.5 billion below the FY04 level.

Boosts Highway Spending: Federal-aid highways spending is $35.5 billion. This is an increase of $1.9 billion over the President's request and the FY04 enacted level.

Supports Aviation: A total of $13.6 billion is provided to the Federal Aviation Administration (FAA)—$219 million below the fiscal year 2004 enacted level and $335 million below the President's request. This includes a $289 million increase for FAA's operations (total operations funding is $7.7 billion), $3.5 billion for the Airport Improvement Program and $102 million for Essential Air Service. The bill includes $9.5 million above the request for the hire and training of additional air traffic controllers. The bill also extends the current provisions of war risk insurance, including current premium price caps, for one additional year.

Capital Investments in Transit: Transit program spending totals $7.708 billion, including over $1.4 billion for new fixed guideway systems.

Supports National Anti-Drug Efforts: Provides $468.5 million to the Office of National Drug Control Policy, including:

$228 million for the High Intensity Drug Trafficking Areas program, $20 million above the President's request.

$120 million for the National Youth Anti-Drug Media Campaign.

$80 million for the Drug-Free Communities program.

Provides for Continuing Amtrak Operations: The bill provides $1.217 billion for Amtrak, $300 million over the President's budget request. Also continues current reforms for Amtrak, including the submission of a financial plan and quarterly reports to the Congress on the implementation of that plan, and directs DOT to undertake a valuation of all Amtrak's capital assets.

Agency Funding:

Department of Treasury is funded at $11.2 billion, $122 million above FY04 and $393 million below the President's request.

The Internet Revenue Service is funded at $10.3 billion, $134 million above FY04 and $356 million below the request. The bulk of the increases is for the tax enforcement activities of the IRS.

Federal Election Commission is funded at the budget request of $52 million, $2 million above FY04 and the Election Assistance Commission is funded at $14 million.

Other provisions:

Maintains both current law requiring contraceptive coverage under FEHBP (except in certain circumstances) and current law prohibiting the use of funds under FEHBP to pay for an abortion, except where the life of the mother is endangered or in case of rape or incest.

Provides pay parity between civilian and military federal employees.

FY05 VA–HUD

FY04 Bill (Discretionary): $90.8 billion.

FY05 President's Request (Discretionary): $92.1 billion.

FY05 Bill (Discretionary): $93.5 billion.

Taking Care of Veterans:

Provides total resources of $30.3 billion for the Veterans Health Administration: $19.5 billion for Medical Services; $4.7 billion for Medical Administration; $3.7 billion for Medical Facilities and $385 million for Medical Research—a total of $1.2 over the budget request and $1.9 billion above last year.

Does not contain additional fees proposed by the President.

Total budgetary resources for all activities of the Veteran's Administration including retirement and medical benefits are increased by $4.3 billion over last year and $1.2 billion over the request.

Science and Space:

The National Science Foundation (NSF) is funded at $5.5 billion, $62 million below last year and $278 million below the request. Includes $4.3 billion for research, $3 million over last year; $175 million for research equipment, $20 million over last year; and $848 million for education and human resources, $91 million below last year.

NASA is funded at $16.2 billion, $822 million above last year and $44 million below the request. The agreement give NASA almost total funding flexibility, but requires NASA to report to the Congress within 60 days on how they will adjust program values to cover increased costs associated with the Hubble servicing/repair mission and shuttle return-to-flight activities. This flexibility is unprecedented and gives the Administrator broad latitude to implement the President's vision for Space within the funds provided in the bill.

Protecting the Environment:

The Environmental Protection Agency is funded with an emphasis on state grants, particularly in the areas of clean water and safe drinking water.

Provides $8.1 billion for the EPA, $299 million above the President's request and $278 million above FY04. This includes funding of $2.3 billion for Environmental Programs and Management, $33 million below last year's level and $3 million below the request.

The Safe Drinking Water State Revolving Fund is funded to the budget request of $850 million, $5 million above FY 2004 and the Clean Water State Revolving Fund is funded at $1.1 billion, at the President's request.

Funds state environmental program grants at $1.2 billion, about equal to the FY04 level.

Overall, State and Tribal Assistance Grants are funded at $3.6 billion, $273 million below FY04 and $373 million over the request.

Funds Superfund at $1.3 billion, the same as last year's level.

Addressing Critical Housing Needs: The Department of Housing and Urban Development (HUD) is funded at $37.3 billion, $618 million below last year's level and $521 million above the President's request. Includes a provision to synchronize funding for public housing operations to a calendar year resulting in saving of $994 million.

Funding for Section 8 programs is split into two accounts to provide better accountability and oversight.

Tenant-Based Rental Assistance (Section 8 vouchers) is funded at $14.9 billion, $697 million over last year and $1.77 billion over the request. This includes $13.46 billion for Section 8 voucher renewals, $742 million, or 6 percent over last year, and $1.67 billion over the request. This is in addition to the 15 percent increase the program received last year. Section 8 is treated as a budget or dollar based system like all other discretionary programs. Does not include Administration's proposed authorization legislation to alter income targeting and tenant rent contributions.

Project-Based Rental Assistance (project-based contracts) is funded at $5.34 billion, $270 million over last year and $10 million below the request.

Public and Indian Housing programs are funded at $5.8 billion, which reflects a one-time $994 million reduction in Operating Subsidies due to synchronization of the program to a calendar year funding cycle. Includes $2.6 for the Capital Fund, $144 million for HOPE VI, and $627 million for the Native American Housing Block Grant, a 3 percent reduction from last year.

HOME Investments Partnership is funded at $1.9 billion.

Includes $1.3 billion for Homeless programs, $284 million for Housing Opportunities for Persons with AIDS (HOPWA), $747 million for Elderly Housing, and $240 million for Housing for Persons with Disabilities.

Other Items of Interest: The Corporation for National and Community Service is funded at $578 million, $3 million below last year

and $64 million below the President's request. This supports a volunteer level of 70,000.

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

Mr. OBEY. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I will reserve my comments on the contents of this bill for a later point in the proceedings; but right now, I would simply like to say two things.

First of all, I want to express my great admiration and appreciation for the gentleman from Texas (Mr. FROST) who handled the rule on this bill. It was the last time he will do so in this House. MARTIN FROST has provided his district, his State, the country, and this institution with a superb record of public service. I honor him for it. They could not beat him on the square, so they had to rig the reelection lines; but he has served his district with great dignity, with great ability. His mentor, when he first came here, Dick Bolling, would be very proud of him; and I know we are all proud of him.

I also would like to say with respect to the gentleman from Florida (Mr. YOUNG), the chairman of the committee, the budget resolutions usually come to this floor, they are vague, they have large generic numbers; but after they are passed, then the appropriations legislation has to translate those resolutions into reality and into specifics. At that point, we get many Members who have voted for those budget resolutions then writing us letter after letter after letter on the committee demanding that we increase funding for this program or that program or another. They do it for LIHEAP. They do it for NIH. They do it for health programs, for agriculture. The gentleman from Florida (Chairman YOUNG) has the job of cutting through that hypocrisy; and he has tried to do so many, many times.

BILL YOUNG to me epitomizes what the American dream is all about. BILL YOUNG grew up in hardscrabble circumstances in Pennsylvania. He rose from serious poverty. He became the first Republican to serve in that State senate in Florida. He was the only Republican serving the first year he went there, and he has thrived and prospered; and now he is completing his service as the chairman of the Committee on Appropriations.

I simply want to say, representing the minority, that BILL has recognized that when you are a chairman of a committee, you have a different responsibility than you do when you are an individual Member of this House. You have separate and sometimes conflicting obligations to your country, to the Congress itself, to your committee, to your district, to your State and to your party, in that order.

The gentleman from Florida has always tried to exercise those responsibilities. He has done it with charm and grace and fairness, and I would simply say that the fact that he will no longer be chairman of the committee after this year is a greater loss to the House itself than it is to him, and I think we all owe him a round of applause for his stewardship.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield for the purpose of a unanimous consent request to the gentleman from New York (Mr. WALSH).

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

Mr. WALSH. Mr. Speaker, I rise in strong support of the bill and our chairman.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON) for the purpose of a colloquy.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me time, and I rise to ask the chairman of the Committee on Appropriations to engage me in a brief colloquy.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would be happy to do that.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for the time.

As the gentleman may recall, at the close of the 107th Congress, four paragraphs were slipped into the Homeland Security bill which unfairly restricted the ability of families with vaccine-injured children from seeking legal recourse. Thanks to the gentleman's support, those provisions were quickly repealed, without prejudice, in H.J. Res. 2, the fiscal year 2003 Consolidated Appropriations bill.

Nevertheless, the inclusion of these special-interest provisions in the dark of night was a black eye for the Congress and left the families of vaccine-injured children highly suspicious of the motivations of many of their elected officials.

As the grandfather of a child with autism, an affliction that I personally believe was caused by mercury-containing thimerosal in vaccines, I vowed to remain vigilant against any attempt to insert similar provisions in any other bill that makes its way through the Congress. To that end, I would respectfully ask the chairman to reassure me that the Omnibus Appropriations bill before us contains no such provisions.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, I thank the gentleman for his inquiry, and I can assure the gentleman from Indiana that this bill contains no provision that would impede the right of families with vaccine-injured children from having their day in court.

Mr. BURTON of Indiana. Mr. Speaker, I also have one other comment.

I would like to ask the chairman for his assurance that no provisions of this bill pertain to reforming the National Vaccine Injury Compensation Program. We still need to do work on that, but it should not be done in this bill.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will continue to yield, again, I appreciate the gentleman from Indiana's personal and deeply felt concerns, and I can assure him that nothing in the bill before the House alters, changes or reforms the structure, rules, procedures, or operation of the National Vaccine Injury Compensation Fund.

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from Florida (Mr. YOUNG) has done a heck of a job. I thank him very much.

Mr. OBEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks later in the proceedings and to include immediately after my remarks charts and other extraneous material.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Wisconsin, our ranking member, who does such an extraordinary job on the Committee on Appropriations in focusing us on our priorities as a Nation.

Mr. Speaker, initially I want to rise and say that the gentleman from Florida (Mr. YOUNG), our chairman, is like Sara Lee, nobody doesn't like BILL YOUNG, and that goes for everybody on our side of the aisle.

I want to say some nice things, and let me take just one second, but I said earlier, Mr. Speaker, during the consideration of the rule that I perceive BILL YOUNG as one of the fairest, most decent, and most positive leaders in this House. It is an honor to serve with him. I will tell my colleagues, as an opponent of term limits, I think the fact that BILL YOUNG is leaving as chairman of the committee is another compelling argument against term limits. His talent, his fairness, his vision will be missed as our chairman. Thankfully, he will still be on our committee, giving us his sound counsel and leadership.

□ 1445

And, BILL, I want to thank you from the bottom of my heart for the example you have set for all of us of what it means to be an American, working together on behalf of our country and not on behalf of our party, on either side. I thank you for that, sir.

Mr. Speaker, here we are yet again this year considering an end-of-session omnibus appropriations bill not because of our Chairman YOUNG but because of the disagreements, frankly, within his party. This is the fourth in the last 5 years and the eighth time in 10 years since our Republican friends regained the House majority that we have not passed appropriation bills as they should have been passed.

This clearly is not how our appropriations process should work, with this House rolling nine separate appropriation bills into one and giving the Members just a few hours to review it. My chairman said 14 hours. The distinguished ranking member of the Committee on Agriculture is reviewing the bill right now. It is, I judge, at least two feet tall, right in front of her. I do not know whether the camera panned to that, but it is an extraordinary document.

It epitomizes this failed 108th Congress in which Republicans failed to enact the budget, failed to enact an energy plan, failed to enact a transportation bill, failed to enact welfare reform, failed to enact higher education reauthorization, and failed to enact a patients' bill of rights.

Now, despite this dreadful appropriations process, there are many good provisions, as Chairman YOUNG has said, in this bill. Not only that, I am going to vote for this bill.

For example, there are more than $90 million to support an African Union peacekeeping force intended to end genocide in Darfur, Sudan. We must act on that. This bill also maintains the Federal commitment to election reform, providing $14 million for the new Election Assistance Commission. And we again recognize the dedicated service of our Federal civilian employees by providing a 3.5 percent pay raise, which is consistent with the pay increase for our men and women in uniform. Our staffs, hopefully, will all receive that as well. These funds also allow FDA employees to move from substandard workplaces into modern, state-of-the-art facilities.

Finally, let me say that I am disappointed, however, that the A–76 outsourcing, supported by the majority of this House and the majority of the Senate, was nevertheless dropped out of the conference report. This will put Federal employees at greater risk.

Let me conclude, Mr. Speaker, by saying that I am disappointed that we once again failed to reimburse small airports in the Washington, D.C., area. The Republicans and ourselves say we are on the side of small business. These airports have been disadvantaged by the actions of the terrorists and by our security concerns closing them down. We should have made them whole in this bill. We did not. I hope that in the future we will.

Again, I thank BILL YOUNG for his leadership and for his service.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time; and, as we all understand, the Committee on Appropriations plays the cards that they are dealt. In this instance, they have been dealt a set of cards with a great big deficit and not much room to work.

I want to thank the Committee on Appropriations for the effort they have made to bring this bill together, and I want to thank the gentleman from Florida (Mr. YOUNG) for his stewardship of this committee.

I must say, however, that I am deeply disappointed in the figures for education. From kindergarten to college, this legislation disappoints America's children, its families and its educators.

In title I education, we see a reduction of almost 50 percent or a little over 50 percent of the money that the President asked for that is not in this legislation.

In special education, where we have constantly pledged that we were going to move toward full funding, and in fact provide full funding, this year we see now we have backtracked on the effort that was being made, because almost $600 million is cut out of that request for an additional $1 billion.

There are after-school funding cuts, and some 85,000 students will lose their Pell Grants and tens of thousands of others will because of the eligibility reconfigurations by the administration. A bad bill from kindergarten to college.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. Mr. Speaker, I rise in support of the conference report, and I want to associate myself with all the remarks with regard to the gentleman from Florida (Mr. YOUNG). No Member in this history of this Congress has ever done a better job with appropriations than Mr. YOUNG.

Mr. Speaker, I rise in strong support of this conference report. Division B of this Omnibus bill is the conference report on the fiscal year 2005 Commerce, Justice, State and Judiciary Appropriations Act, which represents the work of the subcommittee that I chair.

I would like to thank my colleague, Mr. SERRANO, for his support throughout this process. He helped us to get a strong bill through the House, with a vote of 397 to 18.

I would also extend my thanks to our Senate counterparts Chairman GREGG and Senator HOLLINGS.

Within a very tight allocation, we were able to provide funding for a variety of critical national priorities.

The bill includes $20.6 billion for the Department of Justice, $975 million above fiscal year 2004 and $804 million above the budget request to address terrorism, drugs, violence and white collar crime. The bill addresses recommendations of the 9/11 Commission by enhancing the FBI's personnel and retirement authorities to attract and retain critical intelligence staff and provides an increase of $625 million to improve training and information technology and provide additional agents, analysts, translators, and support staff.

For Federal law enforcement overall, the conference report represents a 6.2 percent increase over last year to strengthen counterterrorism and crimefighting capabilities.

The conference agreement provides $3 billion for State and local law enforcement, $906 million above the administration's request, including $634 million for Byrne Justice Assistance grants, $305 million for State Criminal Alien Assistance, $110 million to addresses critical DNA backlogs, $387 million for violence against women prevention, and $384 million for juvenile justice.

The conference report includes $913 million for the Securities and Exchange Commission, $102 million above last year, to provide the necessary resources to protect investors from corporate abuse.

For the State Department, we have provided $8.7 billion, $693 million above last year, including $1.6 billion, the full requested level for worldwide embassy security upgrades. It also includes $1.28 billion for public diplomacy programs including international broadcasting, focusing on expanded programs for the Arab and Muslim world.

For the Department of Commerce, the conference report provides $6.7 billion for the Department of Commerce and other trade agencies, $761 million above last year. Increases will result in more accurate economic statistics, improved weather forecasting, better management of the Nation's fisheries, and more accurate and timely census data. The bill also includes a 4.5 percent increase for the Nation's trade agencies to negotiate, enforce and verify free and fair trade agreements.

For the Federal judiciary, the conference report provides $5.16 billion, $315 million above last year. This includes funding to process all-time high numbers of criminal and bankruptcy cases, and to fund the judiciary's security requirements.

Overall, Mr. Speaker, this conference agreement represents a sound and fair resolution of the multitude of issues that we faced in conference, and it does so in a fiscally responsible manner. I urge my colleagues to support this conference report.

Mr. Speaker, I want to thank the members of my subcommittee staff who have put in very long hours to produce the FY 2005 C–J–S appropriations bill. All members of the staff have worked long, hard hours to produce a bill that I believe will help our country.

I would like to particularly thank Mike Ringler, clerk of the subcommittee, who has led the subcommittee through the House Appropriations process. I would also like to thank Christine Kojac, John Martens, and Anne Marie Goldsmith for their tireless efforts. Their work is much appreciated.

I also would like to thank the detailee, Jonathan Mattiello, who has also lent his support to the bill.

In my personal office, I would like to thank Dan Scandling, Janet Shaffron, J.T. Griffin, Samantha Stockman, and Neil Siefring for their efforts and work with the subcommittee.

From the minority staff, I would like to thank David Pomerantz, Lucy Hand, Linda Pagelsen, and Rob Nabors who have worked with my staff in a bipartisan manner to produce this bill.

Thank you all very much.

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

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader, who has some scathing remarks she wants to utter about the chairman of the committee.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from Wisconsin for yielding me this time and in jest describing the remarks I wanted to make. I want to join him, I know he is a friend of the gentleman from Florida (Mr. YOUNG). The two of them have worked together, despite their differences on some issues, in a very courteous and constructive way for this House.

Mr. Chairman, I want to convey to you not only my personal congratulations and appreciation for your very distinct leadership on this committee but that of all the House Democrats. As a former member of the Committee on Appropriations, I saw firsthand the fairness, the intelligence, and the humor that you brought to the chairmanship. Our Congress was greatly served by your leadership, by your demeanor, by your friendship to each and every Member, and by the respect that you gave us all on the committee. You were a model of bipartisanship where you could be, where it was possible to be, and I think you always gave us the opportunity for that bipartisanship.

I want to again congratulate you, wish you well in whatever the arrangement of chairs is on the Republican side, and to say not only to you but to Mrs. Young, thank you for the attention you have paid to our men and women in uniform, to our troops in battle and when they come back. Again, congratulations. Thank you, my friend, Mr. YOUNG.

I hope that bought you enough time. I have plenty more to say about you.

I will just make one comparison. When Mr. Livingston came in as the Chair of the Committee on Appropriations, my colleagues on the committee will remember he brought, some would call it a machete, but I think it was called something else in Louisiana, and he was swinging this blade around, and that was how we started the term. It was humorous to some, frightening to others, a mystery to most.

In any event, when Mr. YOUNG came, it was a much less menacing beginning and a much more fruitful, I think, opportunity for us all to work together. No offense to Mr. Livingston, but your approach and friendship was much more inviting. So, again, Mr. YOUNG, thank you so much for your service and for your leadership. We are all in your debt.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I just wanted to stand up today and talk about what a great job I think this committee has done, given the tough assignment before the election to come back after our break and to bring these remaining bills into place at the budget number that the House had worked with, without a budget agreed to with the Senate. I think it is a remarkable accomplishment that both the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) should be praised for. The committee has worked hard.

I certainly join in the remarks that I have heard on the floor this morning about the great leadership that the gentleman from Florida (Mr. YOUNG) has brought to the committee for the last 6 years, the challenges, the lines of people that want to talk to him that, in the case of a bill like this, just want one more thing in the bill that maybe was not an issue that the appropriators should be dealing with. So I rise in tremendous admiration, respect and appreciation for Mr. YOUNG, for his leadership of this committee, and also for this product that is on the floor today and give my appreciation to both he and Mr. OBEY for that job.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMAS) for the purpose of a colloquy.

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

Mr. Chairman, I understand section 222 of the Transportation, Treasury and Postal title provides the Committee on Appropriations with proper access to IRS facilities for oversight purposes but not the ability to examine individual tax returns, data, or information and that it is the intent of the Committee on Appropriations that all access to taxpayer information would remain governed by the disclosure and privacy rules of section 6103 of the Internal Revenue Code. Is that correct?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. YOUNG of Florida. Mr. Speaker, the gentleman is correct. The Committee on Appropriations needs access to IRS field facilities to do our oversight work. That work does not require the Committee on Appropriations to review individual tax returns under section 6103, but it does require access to the facilities.

Mr. THOMAS. Reclaiming my time, Mr. Speaker, with that clarification, I want to rise strongly in support of this omnibus bill.

But, more strongly, Mr. Speaker, I want to rise in admiration of the chairman of the Committee on Appropriations. All of us think we have difficult jobs around here. Some of us have impossible jobs. And heading that list is the gentleman from Florida, who has done a magnificent job, and I want to thank him not only for this bill but for the service he has rendered over the years.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), for the purpose of a colloquy.

Mr. KIRK. Mr. Speaker, I thank the chairman for yielding me this time, and I just wanted in this colloquy to read a statement that was inadvertently deleted from the conference report regarding Waukegan Harbor.

''The Conferees recognize the progress achieved over the last year by the parties involved in the Waukegan Harbor project. However, it is important that this fiscal year the U.S. Army Corps of Engineers finishes its requirements so next year dredging of the Inner Harbor may begin, such as finishing the Comprehensive Dredging Management Plan, the National Environmental Protection Act requirements, and Plans and Specifications. All of these requirements must be completed for dredging work to begin on the Inner Harbor. Once final dredging is concluded, the Harbor can be considered for delisting as an Area of Concern by the International Joint Commission. The Conferees urge the Chicago District of the U.S. Army Corps of Engineers to continue working towards a final resolution of cleaning of the Harbor.''

Is that the Chairman's understanding.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. YOUNG of Florida. Yes, Mr. Speaker, this language was to have been included in the conference report and inadvertently was not. But the gentleman is correct.

Mr. KIRK. I thank the chairman.

Mr. OBEY. Mr. Speaker, I yield for purposes of a unanimous-consent request to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Speaker, had time permitted, I would have asked the following question of the Chairman of the Committee, the Gentleman from Florida (Mr. YOUNG):

Given that earlier this week the Majority insisted that Congress increase the debt limit by $800 billion, and that this bill includes an across-the-board cut of everything from cancer research to highway funding, why does this bill, specifically section 108 of Division J, appropriate $2 million to purchase a Presidential yacht, the *Sequoia*? At a time when we are sending American men and women to war in Iraq without the necessary body armor and equipment, why in the world are we spending taxpayer money on a Presidential yacht?

The background of this issue deserves some elaboration.

Division J of H.R. 4818 appropriates $2 million for the Secretary of the Navy to purchase the Presidential yacht *Sequoia*. President Jimmy Carter ordered that this yacht be sold to eliminate signs of an ''imperial presidency''. It is unclear whether the purpose of purchasing the yacht, a national historic landmark, is to provide a yacht for the President, or to bail out the current owner of the vessel, or to donate the vessel to a maritime museum. When the Navy previously owned the vessel, it cost $800,000 a year to keep the vessel running safely and securely.

The *Sequoia* was built in 1925; President Herbert Hoover was the first President to use the yacht. It was used by all Presidents until

Jimmy Carter became President. President Nixon used the *Sequoia* approximately 100 times—including the evening on which he decided to resign the Presidency. The yacht is owned by Gary Silversmith, a lawyer and collector of presidential memorabilia, who purchased the vessel in 2000 for $1.9 million. In recent years, the *Sequoia* has been available for charter on the Potomac for $10,000 per day.

A nonprofit group, the Presidential Yacht Sequoia Foundation, has been raising money to make the privately owned vessel ''public.'' According to an April 17, 2003, Washington Times article, Bill Codus, vice president of the foundation, said that the foundation had the ear of certain Members of the Congress for future appropriations, but he understood if, during tough economic times, the yacht is not at the top of Congress' list. He specifically stated: ''We have to be patient. A lot is going toward defense now, and we understand that.''

This body ought not to be patient with a frivolous expenditure of $2 million to buy a yacht that the Federal Government does not need and which, in fact, was once sold by the Government as excess property. This $2 million could be put to much better use by the U.S. Coast Guard to help buy a high speed cutter to interdict drug runners and illegal immigration in the U.S. coastal waters, for example.

There are, no doubt, numerous other such unwarranted expenditures buried in this bill which should be excised—nontheless, I will vote for the conference report: it is better than the ''C.R.'', and I consider an ''aye'' vote necessary to keep the Government functioning.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the very distinguished majority leader.

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

I do not know if I am sad or happy that I am coming to the floor today to talk about this bill because this is the last bill that the gentleman from Florida (Mr. YOUNG) will handle as chairman of the Committee on Appropriations. It is sad that he is no longer going to be chairman of the Committee on Appropriations because for the last 6 years he has done a stellar job under very difficult circumstances.

As the gentleman knows, when the committee is trying to put an appropriation bill together, in the end it is very difficult. There is incredible pressure on the chairman. But the gentleman is a man of incredible patience because he has put up with me, has incredible stamina, and big, big shoulders because he has carried big, big responsibilities, particularly in light of the fact that after 9/11 much tougher issues have come before the gentleman because of 9/11. He has the respect of the entire House. Actually, he has the respect of this entire Congress, both the House and the Senate, and certainly the President of the United States and the American people.

Mr. Speaker, we greatly appreciate the service of the gentleman from Florida (Mr. YOUNG). We are very excited that he is continuing to serve in the House and on appropriations.

I come in support of this bill, and I want to reflect on a couple of things. This has been an interesting week on the same subject, raising the debt limit on the United States and bringing the government appropriations, the government spending bills, here to the floor today. Most of the debate centered around philosophy, economic philosophy on where this country should go.

I was amused in watching the debate on the debt limit and on this bill, the comments from the other side of the aisle. They have many ideas about fiscal responsibility, fiscal restraint, how to lead us into the future. Part of their understanding of history is a little off. I lived through that same period of time. The other side of the aisle takes credit for the balanced budget and the surplus in the 1990s because they passed higher taxes and more spending in 1993. And they point to what happened in the late 1990s when we actually balanced the budget for the first time in, I do not know, 30, 40, 50 years, and we were in a surplus.

The problem in 1993 was business as usual. I remind the body that in 1993 the Democrats had the majority of the House, had the majority of the Senate, had the President of the United States. They could do anything they wanted to, and they did. So their philosophy was the policy of the United States. It was very interesting if raising taxes and increasing spending, taking money out of the economy so you are not creating jobs or not creating an economy that can sustain this government, it was the right way to go, then why did their subsequent budgets and all of their economists project that there were going to be growing deficits as far as the eye could see?

If they were very strong in their philosophy, they would have had their economists look at their philosophy and understand if they raise taxes and they increase the size of government by increasing spending, then we could predict out into the future that deficits would go away, you would balance the budget and you would create surpluses. At no time in the 40 years that the Democrats controlled this body did they ever, ever present a budget that balances or did they ever present a budget that predicted a balance. So to take credit for balancing the budget in the 1990s, which we did, and having surpluses holds no water whatsoever.

What actually happened was the Republicans came into the majority in 1995. In 1996 we did what we are doing here today. We did not just freeze nondefense discretionary spending; we cut nondefense discretionary spending. Our philosophy is if you cut taxes, the economy grows; and if the economy grows and there are more jobs created, there is more revenue to the government. That is exactly what happened in 1981 when we cut taxes and we froze spending in 1981 under Ronald Reagan. They should have taken credit for that because they were in the majority in 1981. Unfortunately, in 1982 they started spending again. In 1987 we were able to freeze spending again because the economy dictated it and tried to cut taxes again. They should have taken credit for that because they were in the majority. But right before that and right after that they started spending again.

The best part about this debate is if Members really listen to what they are saying, and they criticize this bill, they have said there is not enough spending in this bill. This bill actually freezes nondefense, non-homeland security, the first time we have done that since 1996; and I am very proud that we held the line and made Congress make choices and set priorities because it fits our philosophy. You cut taxes, grow the economy, more revenue for the government. You hold down spending and let those revenues catch up, sooner or later we are going to get to balance. That is exactly what we did in the Balanced Budget Act of 1997.

By the way, I was also amused in the opening of the Clinton Library, Bill Clinton took credit for that. He vetoed it twice. He never proposed it; he vetoed it twice, and finally he signed it because he insisted over and over again that we were going to balance the budget, not by raising taxes but by increasing the economy and holding down spending. We can do it again. It is much more difficult now that we are at war. At no time has this country ever balanced the budget while we were at war because we will spend whatever it takes to win this war and protect our troops. So it is going to be difficult to balance the budget, particularly if we do not raise taxes.

What they really want and what they are so mad about is we are lowering taxes when they want to increase them so they can continue to spend more and increase the size of government. But we are not doing that, and we are not doing it as exhibited in this bill. This is part of our philosophy. This is a part of where we want to lead the country.

We have been cutting taxes. In fact, this House has cut taxes every year for the last 10 years that we have been in the majority, and we will continue to cut taxes because we believe American families should keep more of what they earn so they can spend it and invest it and thereby grow the economy. And we will continue fiscal restraint and hold down spending, as difficult as it is, so we will get to a balanced budget because we are the only ones that have the credibility because we have done it before. We did it in the 1990s, we can do it again, and we will because our budgets have a projected balanced budget over the next 4 or 5 years. Actually, if we could do that. If we could implement some of the policies we want to, we will get to it faster.

The crux of the matter is when we bring a balanced budget amendment to the Constitution to the floor of this

House, they will be the first ones to vote against it because they know what it means.

Mr. Speaker, make no mistake about it, there are two philosophies. They presented their philosophy in the election; we presented our philosophy in the election. With all due respect, the American people chose. The American people chose, so we are going to continue down this road of fiscal responsibility.

Mr. Speaker, I am very proud of the bill that the chairman has presented. I am very proud of the fact that we actually froze spending for the first time in a long time. I am very pleased to support this bill and urge my colleagues to do the same.

Mr. OBEY. Mr. Speaker, I yield myself 14 minutes.

Mr. Speaker, this is a sad bill. There are countless good reasons to vote against it. In fact, this bill is a poster child for institutional failure. That is true for several reasons. First of all, because the nine appropriation bills which are wrapped into this early Thanksgiving turkey should have been dealt with by the House months ago.

Secondly, it is totally inadequate to meet the Nation's needs in education, health care, and the environment. It falls so far short from meeting our investment obligations for the future that it could only be brought to the floor by the majority party after the election.

Third, there are things that have been added in this omnibus bill which have never been voted on by anybody. Some of them are reasonable; some of them certainly are not. An example, Republicans chose to take this opportunity to slip a number of anti-environmental provisions into this bill which I will list in full in my extended remarks.

Fourth, the Republicans have taken out several provisions that were supported by the majority of this body and should have been retained. I will again expand more fully on them in my extended remarks, but those provisions include eliminating the contracting-out provision, the bipartisan Chabot-Andrews amendment prohibiting road building in the Tongass National Forest, provisions to ease the economic embargo on Cuba, the Sanders cash-balance pension plan amendment, the MILC reauthorization bill which the President twice claimed to favor, and they also stripped out the language which would have protected 6 million workers from being chiseled on their overtime rights.

Another troubling feature of this bill is that it misleads people into thinking that funding for the programs in this bill is more generous than it actually is because it applies an across-the-board cut to the accounts in this bill, but it does not show the impact of those cuts on individual programs.

I have often quoted my friend Archie the cockroach and I am moved to do so once more in commenting on this action by the committee. Archie said once that ''man always fails because he is not honest enough to succeed. There are not enough men continuously on the square with themselves and with other men. The system of government does not matter so much; the thing that matters is what men do with any kind of system they happen to have.''

The problem we have today is there are all kinds of papers floating around this floor that profess to describe what is the funding provided for each of the programs provided in this bill, but they significantly overstate the amount of money in those accounts because the effect of the across-the-board cut is not counted.

I would also say that this bill is not here in a lame duck session because of any delaying action by the minority party. The record shows that the minority party has procedurally cooperated with the majority to bring all these bills to the floor. Of the 12 appropriation bills brought to the floor before the election, eight were expedited by unanimous consent agreements from the minority; four of the bills not considered under unanimous consent agreement were completed in a single day while the Labor-Health-Education bill took only two days.

Despite that procedural cooperation, even though they control both Houses of Congress and the White House, Republicans could not enact these bills. Why? Well, it was not because the majority party could not compromise with the minority; it was because the majority party could not compromise with itself. Why was that? Because rank-and-file members of the majority party, especially in the Senate, did not want to act on these bills with inadequate funding for education, health, science and environmental protection until they were safely past the election.

□ 1515

This bill shows some examples. This bill slashes funding for the EPA by $335 million. The biggest cut, $259 million, comes from the Clean Water State Revolving Fund, even though surveys have shown that we will confront a $388 billion investment deficit in that program alone over the next 20 years.

This Congress just finished doubling the NIH budget over the past 5 years, but NIH in the long run is heavily dependent upon basic initial research done by agencies like the National Science Foundation. Congress is on record supporting the need to double NSF funding, and yet the bill cuts funding for the NSF by $107 million below last year. This is the most Luddite provision in the bill.

Support for housing and community development block grant funding is so pitiful I cannot even talk about it. One of the most reckless actions is a $332 million cut to the FAA after the bill's across-the-board cut is taken into account. FAA will lose staff, including safety inspectors and air traffic controllers, and forgo needed safety technology improvements, all at a time when clogged and overcrowded airways make the skies dangerous.

But perhaps the most serious neglect of our responsibilities is reflected in what this bill does on education. Unbelievably, it cuts the President's request for title I education funding, the prime mover of education reform, by $607 million, almost 50 percent. It falls $482 million below the President's request for special education. It cuts funding for after-school programs by $25 million below the request and below last year's level, denying 1.3 million kids the educational opportunities they were promised in No Child Left Behind.

Flu vaccine. This Congress has still managed once again to cut the President's request for flu vaccine, by a small amount admittedly, but it is still $800,000 below the President's request.

On low-income heating assistance, despite the fact that the increased costs are expected to be 28 percent for home heating oil this year, this bill provides only half that increase in funding. That means a real reduction in assistance provided to the most vulnerable people in our society.

Let there be no doubt that if Democrats were running this place, this bill would look far different. In June, we had a vote on a bill that detailed our Democratic priorities, H. Res. 685. If that bill were before us today, we would be providing an additional $3 billion for homeland security, police, fire and emergency services, an additional $5.7 billion to strengthen education, an additional $2.3 billion to fully fund veterans health care and improve housing for military families and an additional $1.3 billion to improve health care by expanding community health centers, rural health clinics, mental and child health programs.

If today we were voting on the Democratic priority package rather than this bill, we would be providing $1.5 billion more for title I, serving an additional 500,000 low-income children so that they can meet the high standards of No Child Left Behind; we would be providing $1.2 billion more to serve the special education needs of 6.9 million children with disabilities; and we would be providing $2.2 billion more for Pell grants, increasing the maximum Pell grant to $4,500.

Based on the debate yesterday on the debt ceiling and on the majority leader's comments just a few moments ago, I know that some people on the other side of the aisle would claim that the Democrats' proposals to increase these investments in education, health, science and the environment would add to the deficit, but that is simply not the case.

If the Democrats' priority plan were before us tonight, this legislation would actually reduce the deficit by $5 billion because our priorities package would limit the jumbo-sized tax cuts for persons making over $1 million a year to the same amount provided to

other less fortunate Americans. It would redirect $14 billion of the money saved to crucial additional investments and would use the other $5 billion for deficit reduction. This bill would be at the same time more fiscally responsible and more humane than the bill brought before us tonight.

So Democrats have demonstrated what our priorities are. We have done everything we possibly can to improve the warped priorities of the majority budget, but the majority has rejected and defeated those efforts. At this point, we are at the end of the calendar, and we are out of options. We need to move on. At this point our choice is simply to continue to vote ''no'' as a protest for the misshapen priorities in the bill or to grudgingly vote ''yes'' because this bill is $4 billion closer to meeting our responsibilities than Congress would be if we turned this bill down and we had to live with a continuing resolution.

So, Mr. Speaker, I will reluctantly vote for this bill, but I will certainly not be leading the cheers because this body should have been able to do much better. I know the chairman of the committee and the various subcommittee chairmen have by and large done their best with what resources have been made available to them. That limitation has been imposed upon them by their own party leadership and by the White House. This bill could have been made much more humane and much more socially responsible by a relatively small adjustment.

$14 billion more for our top domestic priorities as we have in the Democratic priority package is a lot of money, but it pales in comparison to the $280 billion that this Congress passed out in tax cuts this year alone with so much of it aimed at high-end taxpayers. For only 5 percent of that amount that was provided in tax actions this year, so much of which has gone to the most privileged and well-off among us, we could have made responsible investments in the future and had bipartisan agreements in support of these bills long before the election.

One more point. In response to the majority leader's reshaping of history, to put it kindly, let me state what the facts are with respect to the national debt. The last President to balance a budget was Bill Clinton. The last President to balance a budget over his full term of office was President Truman. The last time I looked, they were both Democrats. The facts are also these: since 1946 at the end of World War II, under Democratic and Republican administrations alike and under a Democratic Congress for all of those years, from 1946 to 1979, the Nation's debt as a percentage of our total national income declined from 126 percent to 25 percent. In other words, we cut it by more than 75 percent. Then President Reagan came to power and he doubled that to 50 percent. Bill Clinton came to power and again brought that debt down.

In contrast to just a few years ago when Bill Clinton left office, in large part because of the actions of this Congress and this President, economists today are predicting deficits as far as the eye can see. That is why Democrats sought to improve investments in this bill, not in a free-lunch way, but by engaging on our own pay-as-you-go proposition in order to see to it that even as we increased crucial investments in the economy, we still were trying to keep some money available for deficit reduction. If the majority party were doing that, this bill would be a lot more palatable today.

Mr. Speaker, I will, as I said, reluctantly vote for this bill, but this bill is no great product. As the press finds out more and more about what the impact is on various programs, I think the Congress is going to wish that we spent considerably more time dealing with this in a rational manner.

Some examples of how the Omnibus would be different if Democratic priorities were being voted on today rather than the Republican majority's plan:

Issue	H. Res 685—Democratic priorities	FY 2005 Republican omnibus
Health care for veterans	+$1.3 billion over the Republican budget resolution to fully fund veterans' medical care at levels advocated on a bipartisan basis by the House Veterans' Affairs Committee.	−$235.1 million below the House Republican budget resolution.
Investments in education	+$5.7 billion over the President's request.	−$779 million below the President's request.
Title I	+$1.5 billion over the President's request to support reading and math instruction for 500,000 additional low-income children.	−$607 million below the President's request.
Child Care and After-School Learning	+$300 million over the President's request to double the number of children receiving quality after-school care in five years.	$25 million below the President's request and last year's level.
Special Education	+$1.2 billion over the President's request to meet the promise the House Republicans themselves made on special education funding.	−$482 million below the President's request.
Pell Grants	+$2.2 billion over the President's request to increase the maximum Pell Grant by $450 to $4,500 for more than 5 million low-income students. The average public 4-year college tuition has increased $1,400 (36 percent) since 2001.	−$468 million below the President's request, freezing the maximum Pell Grant at $4,050.
Public health		
Infectious diseases and immunizations	+$100 million over the President's request to protect the public against infectious diseases (like SARS, West Nile Virus, tuberculosis, and AIDS) and for child and adult immunization.	Provides only $9 million over the President's request.
Health care and medical research		
Core health ''safety net'' programs	+$400 million over the President's request for community health centers, rural health clinics, mental and child health programs.	−$32 million below the President's request, including −$103 million for community health centers and −$12 million for mental health programs.
NIH research	+$500 million over the President's request for health research in areas such as liver cancer, SARS, breast cancer, Parkinson's disease, and Alzheimer's disease.	$170 less than the President's request.
National nursing shortfall	+$35 million over the President's request for the ''Nurse Reinvestment Act'' authorization.	Provides only $4 million over the President's request.
Dental care	+$50 million over the President's request for dental services in rural and other underserved areas.	No funding included.
Clean water standards and environmental protection		
Land protection and preservation	+$325 million over the President's request for conservation programs covered by the bipartisan commitment reached in 2001.	−$62 million below the President's request.
Water infrastructure	+$500 million over the President's request for the Clean Water State Revolving Fund.	−$259 million below the FY 2004 levels.
Basic services in rural communities		
Community assistance for refugees	+$50 million over the President's request for States and local communities to offset the cost of the dramatic influx of refugees anticipated as result of the Administration's commitment to permit resumption of refugee flow to pre-September 11 levels.	Provides only $11 million over the President's request.

The best that can be said about this bill is that if it passes, it will provide $4 billion more than a Continuing Resolution.

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

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

First I would like to make this announcement, that following the vote on this omnibus appropriations bill, there will be a vote on a continuing resolution. The CR that we are operating under today expires at midnight tonight. So in order for us to have time to move this bill from the House to the Senate and go through the enrolling process and get it transmitted to the President's office and give the President time to review it and OMB time to

review it, we thought we should do a CR just to make sure that there were no difficulties. We will take that CR up right after we pass this.

As my colleagues have heard, because of term limits on the Republican side of the House, this chairman will be term-limited at the end of this Congress and will not be chairing the Full Appropriations Committee. But I wanted to say as I depart this post that it has been a real honor to serve in this capacity. It has been a tremendous challenge. There have been days when I almost wished I was back in the minority. But nevertheless it has been a good work.

The gentleman from Wisconsin has been the ranking member during the 6 years that I have chaired the committee. He and I have had some very strong differences, but we have also had some very strong agreements. Regardless of whether we agreed or disagreed, whether we were happy or unhappy with the situation, we were able to conduct the business of the House, I think, with respect for the institution.

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

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would simply like to say that I have enjoyed very much the relationship between both of us. But I have enjoyed nothing in that relationship more than in the days after 9/11 when the gentleman and I worked so closely with each other, visiting all of the security agencies in town to discover what they needed. We worked arm in arm providing $40 billion when it was needed and seeing to it in the process that congressional prerogatives were protected. It was a great bipartisan experience. I wish that we had been allowed to continue that on many more fields of endeavor.

Mr. YOUNG of Florida. I appreciate the gentleman's comments. I want him to know, I am not going anywhere. I plan to be back with all our appropriations bills as we proceed.

I would like to call attention to all of the members of the Appropriations Committee on both sides because this is a working committee. I know that in some cases the committee is really admired and respected and appreciated. In other cases we are probably sort of hated on occasion, but nevertheless we have the responsibility of adopting legislation that is must-pass legislation. Without the appropriations bills, the government does not function. The committee has worked really well, and I am proud of the committee. I am proud of the members. I am proud of the staff. We have great staff. I want to call particular attention to, and there are too many to refer to everybody by name today, but the front office staff, the main staff headed by the clerk of the committee, Jim Dyer, and his very, very able assistants, John Blazey, and Therese McAuliffe and Dale Oak, and I do not know of anybody who knows more about the numbers in these bills than Dale Oak, and John Scofield and Doug Gregory who is the man who I rely on considerably to make sure that I am in touch with everything that is happening to the best of our ability. We have a really great staff and they work together very well.

The gentleman from Wisconsin has a very great staff on the minority side. We do our very best to make sure that we do not have any surprises for them, and they have been very good about not having any surprises for us. We are open and honest with each other and that is, I think, important to the type of work that we are responsible to do.

Mr. OBEY. I intend at some point to insert in the RECORD the names of all of the staff, including associate staff, but I just want the House to appreciate the fact that many members of that staff have been working on this bill for 2 and 3 days without sleep. I do not think the public or the Members understand that, but their dedication to this place is phenomenal.

HOUSE COMMITTEE ON APPROPRIATIONS STAFF LISTING—(SEPTEMBER 20, 2004)

FRONT OFFICE—H-218 CAPITOL—52771

Jim Dyer, Dale Oak, John Blazey, Therese McAuliffe, Di Kane, Sandy Farrow, John Howard, Jane Porter, Theo Powell.

COMMUNICATIONS—H-218 CAPITOL—65828

John Scofield.

EDITOR—B-301A RAYBURN—52851

Larry Boarman, Cathy Edwards.

COMPUTER—B-305 RAYBURN—52718

Vernon Hammett, Tim Buck, Carrie Campbell, Jay Sivulich, Linda Muir.

SURVEYS & INVESTIGATIONS—283 FORD—53881

Rob Pearre, Mike Welsh.

AGRICULTURE—2362-A RAYBURN—52638

Martin Delgado, Maureen Holohan, Leslie Barrack, Joanne Perdue, (Detailees: Tom O'Brien, Mike Gregoire).

COMMERCE-JUSTICE-STATE—H-309 CAPITOL—53351

Mike Ringler, Christine Kojac, John Martens, Anne Marie Goldsmith, (Detailee: Jonathan Miettallo).

DEFENSE—H-149 CAPITOL—52847

Kevin Roper, Betsy Phillips, Doug Gregory, Alicia Jones, Paul Juola, Steve Nixon, Leslie Albright, Greg Lankler, Paul Terry, Sarah Young, Kris Mallard, Kevin Jones, Sherry Young, Callie Michael.

DISTRICT OF COLUMBIA—H-147 CAPITOL—67500

Joel Kaplan, Clelia Alvarado.

ENERGY & WATER DEV—2362-B RAYBURN—53421

Kevin Cook, Dennis Kern, Scott Burnison, Tracey LaTurner, (Detailee: Timothy Winchell).

FOREIGN OPERATIONS—HB-26 CAPITOL—52041

John Shank, Alice Hogans, Rob Blair, Rodney Bent, Lori Maes.

HOMELAND SECURITY—B-307 RAYBURN—55834

Michelle Mrdeza, Stephanie Gupta, Jeff Ashford, Tom McLemore, Terry Tyborowski, Kelly Wade, (Detailees: Ben Nicholson, Brian Dunlop).

INTERIOR—B-308 RAYBURN—53081

Debbie Weatherly, Loretta Beaumont, Chris Topik, Greg Knadle, Andria Oliver, (Detailee: Darren Benjamin).

LABOR-HHS-ED—2358 RAYBURN—53508

Craig Higgins, Susan Firth, Meg Thompson, Sue Quantus, Francine Salvador, Nicole Kunko, (Detailee: Timothy Monteleone).

LEGISLATIVE—H-147 CAPITOL—67252

Liz Dawson, Chuck Turner, (Detailee: Kathy Rohan).

MILITARY CONST—B-300 RAYBURN—53047

Carol Murphy, Walter Hearne, Mary Arnold, (Detailee: Eric Elsmo).

TRANSPORTATION—2358 RAYBURN—52141

Rich Efford, Dena Baron, Cheryle Tucker, Leigha Shaw, (Detailee: Kristen Jones).

VA-HUD—H-143 CAPITOL—53241

Tim Peterson, Jennifer Miller, Doug Disrud, Tad Gallion, Tammy Hughes.

MINORITY—1016 LONGWORTH—53481

Rob Nabors, Mark Murray/Foreign Ops, Cheryl Smith/Labor, Education, David Reich/HHS, Soc. Sec., William Stone, Tom Forhan/Legis/Mil Con, Mike Stephens/Interior/EPA, NSF, Martha Foley/Agric/DC, Michelle Burkett/VA-HUD-NASA, Beverly Pheto/Homeland, Christina Hamilton, Linda Pagelsen/Justice-Judiciary, David Pomerantz/Commerce-State, Mike Malone/Trans-Treas, David Morrison/Defense, David Helfert/Press, Dixon Butler/Energy & Water, Bob Bonner/CIS, FLETC/Postal, MARAC, SLSDC, Paul Carver, Lesley Turner, Chris Fitzgerald, Mandy Swann, Heather Wilson, Beth Houser, (Detailees: Bill Gnacek/Laura Hogshead/Amy Lazor).

Mr. YOUNG of Florida. I appreciate the gentleman's comments. I wanted to make particular mention of the staff for the Energy and Water subcommittee. I think everybody understood that Energy and Water was not going to be in this bill, that there were great difficulties in Energy and Water, and so it was going to be on a long-term CR.

□ 1530

Senator STEVENS and I were determined that that was not going to happen, and we worked really hard with the House, both sides of the House, both sides of the Senate. We were finally able to get agreement to include the energy and water in this package. So this bill includes everything. That is why it is so big. It is nine bills. That is why the stack is so high.

But the Subcommittee on Energy and Water Development staff only had 2 days to prepare this legislation and to write it and to read it and to get it fit into the bill. And these 2 days they went 48 hours without a break, without sleep, with an occasional snack and something to drink. But they really worked hard because they were only given 2 days to get their work done.

As we conclude the business of the Congress, as we conclude the appropriations business, I wish that I was able under the House rules to say what a great honor it is to work with the chairman of the Appropriation Committee in the Senate. Senator STEVENS, while he is a tough negotiator and he takes really good care of Alaska, he is a good, honest guy, and he is good to work with, and I appreciate him very much.

And Senator BYRD, it is an experience to work with Senator BYRD as the ranking member. He is such a distinguished gentleman and is very knowledgeable about what it is that we do here.

So as we close the session and close this bill, I want to wish everybody a very safe and happy return to their homes and Thanksgiving, Christmas, Hanukkah, New Year's, and whatever other celebrations that we might have between now and the time we come back together. And I would like everyone, as they recognize all of these holidays and they remember and they enjoy their family times together, to think about our troops. Think about our Americans who are deployed overseas in harm's way and their families and just give them a little extra prayer for their safety and a successful completion of their mission.

Mr. Speaker, God bless everybody in this institution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the economic prosperity of the 1990s fueled a drive to increase the levels of employment-based immigration. Both the Congress and the Federal Reserve Board expressed concern that a scarcity of labor could curtail the pace of economic growth. This resulted in an increase of the supply of foreign temporary professional workers through FY 2003. The number of petitions approved for H–1B workers escalated in the 1990s and peaked in FY 2001 at 331,206 approvals. Since then, the H–1B annual numerical limit has reverted back to 65,000. That limit was reached on the first day of FY 2005. The bill before us today includes provisions to address that problem. I want to thank Senator KENNEDY for his work on these provisions.

Before discussing these provisions, I want to emphasize that I believe American companies should hire American workers first. When they cannot meet their employment needs by hiring American workers, however, they should have access to foreign workers.

The H–1B provisions in this bill would exempt H–1B applicants with a masters or higher degree from a U.S. institution of higher education from the annual H–1B cap. This exemption would be limited to 20,000 per year. It also would strengthen labor protections under the H–1B program. It would reinstate and make permanent the attestation requirements for H–1B dependent employers. Employers would be required to attest that they have not displaced a U.S. worker 90 days before or 90 days after the hiring of an H–1B worker. It would require an employer to pay 100 percent of the prevailing wage. Current law only requires 95 percent. It would require a government survey to determine the prevailing wage to provide at least four levels of wages commensurate with experience, education, and the level of supervision. Currently, only two wage levels are used.

I am pleased that we have provisions that would strengthen enforcement protections under the H–1B program. These provisions would authorize the Secretary of the Department of Labor, DOL, to conduct random investigations if the Secretary has reasonable cause to believe that an employer has committed a violation. It also would reinstate DOL's authority to investigate complaints alleging an employer's violation of the law.

We also have provisions that would increase H–1B visa fees from $1,000 to $1,500 for business with more than 25 employees This would provide greatly needed additional funds for job training activities. It also would provide additional scholarships for computer science, technology, and science programs. I want to point out though that it is an empty victory if our American children are trained to do jobs and then are unable to find employment.

Finally, we obtained provisions that would provide needed strengthening of labor protections under the L Visa program to plug loopholes that are being used to bypass the cap restriction of the H–1B program. These provisions would prohibit the subcontracting of L–1 workers, and they would toughen eligibility restrictions by requiring L–1 workers to be continuously employed with the company for at least 1 year prior to obtaining an L visa.

While I would support provisions of this legislation with these provisions contained therein, I remain concerned about the need to hire American workers first. We must work together to ensure that American companies make an effort to save American jobs for American workers. I received a letter from the American Engineering Association that I want to bring to your attention. According to the American Engineering Association, ''American tech workers are facing record unemployment and losing their jobs to outsourcing.'' The Association claims also that, ''Bringing in foreigners to take tech jobs undermines engineering as a profession and discourages young people from pursuing this path.''

As I look forward to the 109th Congress, I envision a new approach to immigration reform. Instead of piecemeal reforms of our broken immigration system, such as this fix for some of the problems in the H–1B and L visa programs, we need bipartisan, bicameral support for comprehensive immigration reform. Effective immigration reform must provide a certain path to legalization for workers from around the world who are already living and working in the United States; repeal and replace employer sanctions with stiffer penalties for employers who take advantage of workers' immigration status to exploit them and undermine labor protections for all workers; reform, not expand, temporary worker programs; and reform the permanent immigration system so that those who play by the rules are not penalized by unconscionably long waiting periods. I intend to pursue such reform in the 109th Congress by reintroducing my Comprehensive Immigration Fairness Act.

Mr. MANZULLO. Mr. Speaker, on November 20, 2004, the House took up consideration of and passed H.R. 4818, the Consolidated Appropriations Act for 2005. Division K of H.R. 4818 contains the Small Business Reauthorization and Manufacturing Assistance Act of 2004. Since the act was incorporated directly into the Consolidated Appropriations Act for 2005, no committee report accompanies the legislation. As chairman, I am submitting for insertion in the RECORD, the attached explanation of the Small Business Reauthorization and Manufacturing Assistance Act of 2004. I would expect the Administrator, in implementing the provisions of this act, to accord the enclosed explanation the same weight in defining congressional intent that the Administrator would give to a report after a mark-up prior to floor action or the language in a conference report. This expectation is particularly apt in this circumstance because the provisions were negotiated and agreed to in cooperation with my counterpart in the United States Senate.

JOINT EXPLANATORY STATEMENT OF DIVISION K OF H.R. 4818 FILED BY CHAIRMAN MANZULLO

Section 101. Express loans

Section 7(a)(25)(B) authorizes the Administrator to create pilot loan programs. In exercising that authority, the Administrator created an ''Express Loan Pilot Program.'' The program authorizes lenders to use their own forms in submitting requests to the Administrator for the issuance of guarantees. Two significant restrictions are imposed by the ''Express Loan Pilot Program:'' the guarantee cannot exceed 50 percent of the loan and the maximum loan amount is $250,000.

Section 101 codifies, with a few significant differences, the provisions of Pub. L. No. 108–217, which addressed the Express Loan Program. The two most significant changes are the permanent authorization of the Express Loan Program by creating a new paragraph (31) in §7(a) of the Small Business Act and the statutory increase in the size of such loans to $350,000.

Section 101 defines an ''express loan'' as any lender authorized by the Administrator to participate in the Express Loan Program. Congress expects that the Administrator will establish by rule the standards needed to qualify as an Express Lender.

Section 101 defines an ''express loan'' as one in which the lender utilizes, to the maximum extent practicable, its own analyses of credit and forms. Congress fully expects that the conditions under which express loans are made will not vary significantly from those conditions that currently exist under the ''Express Loan Pilot Program.'' Nevertheless, Congress understands that the Administrator may wish to revise the standards and operating procedures associated with ''express loans.'' Nothing in the statutory language should be interpreted as prohibiting the Administrator from imposing these additional requirements that are otherwise consistent with the statutory language.

Section 101 codifies the existing concept of the Administrator's ''Express Loan Pilot Program.'' In other words, the ''Express Loan Program'' is one in which lenders utilize their own forms and get a guarantee of no more than 50 percent.

Section 101 restricts the program, including the increased loan amount of $350,000, to those lenders designated as express lenders by the Administrator. Designation as an express lender does not limit the lender to making express loans if the lender has been authorized to make other types of loans pursuant to §7(a) of the Small Business Act. Although a lender may only seek status as an express lender, this section was included to ensure that the Administrator not limit the ability of an express lender to seek other lending authority from the Administrator. Nor is the Administrator permitted to change its standards for designating an express lender in a manner that only authorizes the lender to make express loans. To the extent that the lending institution wishes to offer a full range of loan products authorized by §7(a) and is otherwise qualified to do so, the Administrator shall not restrict that ability on the lender's status as an express lender.

Section 101 prohibits the Administrator from revoking the designation of any lender as an express lender that was so designated at the time of enactment. This prohibition does not apply if the Administrator finds the express lender to have violated laws or regulations or the Administrator modifies the requirements for designation in a way that the express lender cannot meet those standards. Congress does not expect that the Administrator will impose new requirements for express lenders that prohibit them from making loans under other loan programs authorized by the Small Business Act for which they have approval from the Administrator.

Congress, at the request of the Small Business Administration, determined that it was appropriate to expand the size of ''express loans'' to $350,000. Any change in the size of an express loan now will require action by Congress.

Congress is concerned that the Administrator will take regulatory actions that unduly favor express lending over other types of lending authorized by §7(a) of the Small Business Act. As such, Congress incorporated a provision prohibiting the Administrator from taking any action that would have the effect of requiring a lender to make an express loan rather than a conventional loan pursuant to §7(a). Any significant policy change in the operation of the lending programs authorized by §7(a) of the Small Business Act requires notification to the House and Senate Small Business Committees. Furthermore, the statutory language on notification goes beyond that which is required pursuant to §7(a)(24) of the Small Business Act.

Section 102. Loan guarantee fees

Section 103 increases the loan guarantee amount to a maximum of $1.5 million. Given the fact that borrowers are getting an additional increment in loan guarantees, the sponsors determined that it would be appropriate to require an additional 0.25 percent fee for the amount of guarantee in excess of $1 million. Thus, on the amount of the guarantee between $1 million and $1.5 million, the upfront fee authorized pursuant to §7(a)(18) of the Small Business Act increases from 3.5 percent to 3.75 percent but only for that portion of the loan guarantee in excess of $1 million. This is consistent with typical commercial lending practices of charging fees that are commensurate with the lenders' exposure to risk.

Section 102 also raises the fee collected by the Administrator from banks of the unpaid balance of deferred participation loans. To avoid situations such as those that occurred at the end of calendar year 2003 in which the Administrator was required to drastically reduce lending and impose other restrictions on the program, Congress determined that it would be appropriate for the Administrator to have some discretion in setting the fee paid by lenders on the unpaid balance. The total amount of the fee cannot in, any year, exceed 0.55 percent of the unpaid balance. Congress expects the Administrator to use this authority only when needed to drive the cost, as that term is defined in the Federal Credit Reform Act, of the loan program to zero, i.e., not need an appropriation. Any use of this discretion to raise the fee beyond the current level of 0.5 percent should trigger the notification provisions in §7(a)(24) of the Small Business Act. As a further oversight tool, Congress expects that the Administrator would satisfy any relevant committee's request for information on the utilization of this discretion.

Finally, Congress determined that the Administrator also be given the authority to lower fees charged to borrowers and lenders if the subsidy cost becomes negative, i.e., the fees will actually take in more money to the government than it costs to operate the §7(a) loan program. Congress adopted an approach that the Administrator should it undertake a fee reduction first consider reducing the fees set forth in clauses (i)–(iii) of subsection 7(a)(1 8)(A) and then reduce fees on lenders. As a further restriction on the discretion of the Small Business Administration, the fees that were charged to borrowers on the date of enactment of this conference report may not be raised. Congress adopted this language to ensure that any fee increases to borrowers beyond the statutory limits requires the action of Congress.

Section 103. Increase in guarantee amount and, institution of associated fee

Access to capital is vital to the growth of small businesses. Particularly for manufacturers and high technology research and development businesses, typical amounts of capital available under the existing loan limits authorized by §7(a) of the Small Business Act often are inadequate. Given the importance of capital to grow small businesses, Congress determined that it would be appropriate to permanently increase the amount of the loan guarantee from $1 million to $1.5 million. No additional changes were made in the overall statutory cap of a gross $2 million loan. Thus, the Administrator will be able to guarantee up to $1.5 million of a $2 million loan rather than the current limit of $1 million. Congress expects that this will increase the number of lenders willing to make loans to small manufacturers who face significant global competition.

Section 104. Debenture size

Congress raised all of the loan limitations for qualified state and local development companies (''CDCs'') because they had not been raised in many years and the long-term financing needs of small businesses were not being met by loans that did not exceed the thresholds for loans made pursuant to §7(a) of the Small Business Act. Raising the loan limitations has two effects. First, it signifies the recognition that Title V of the Small Business Investment Act and §7(a) of the Small Business Act has very different purposes in mind. Second, an increase in the threshold allows more effective economic development projects to be funded by CDCs.

Congress believes that the increases to $1,500,000 for regular projects, $2,000,000 for public policy goal projects, and $4,000,000 for small manufacturers will provide significant new financial inputs to small businesses in general and to small manufacturers in particular.

While all small businesses whose primary industrial classification is in North American Industrial Classification sectors 31, 32, and 33 (the sectors for manufacturing), not all small business concerns in those sectors are considered small manufacturers. Congress adopted a requirement that small manufacturers should be limited to those small business concerns that have all of their production facilities are located in the United States. Congress does not intend that small business concerns that have manufacturing facilities situated outside of the United States should be denied assistance under programs operated by the Small Business Administration. However, special benefits should be afforded to those manufacturers whose production facilities are located in the United States. Finally, the definition in §106 is identical to the definition in this section thereby avoiding any potential interpretive concerns about what the legislature meant when it used the same term in different sections of legislation.

Section 105. Job requirements

The Administrator has promulgated regulations, pursuant to §501 of the Small Business Investment Act mandating that a loan made by a CDC must create or save one job for each $35,000 in guarantee. This standard has not been revised since it was adopted in 1990. The standard clearly does not reflect inflation or the dramatic increases in productivity that has led to higher wages for all employees. Congress determined that the standard should be revised to take account of the changes in the economy during the past 14 years. Therefore, 105 statutorily raises the job creation standard to one job for every $50,000 in guarantees.

Manufacturing requires greater capital investment than other businesses. Such investment may lead to higher productivity for small manufacturers and therefore fewer jobs created per investment. Congress does not want to prejudice the ability of CDCs to fund projects that would assist small manufacturers. Section 106 establishes a standard that authorizes CDC loans to small manufacturers if the project creates one job for each $100,000 of guarantee.

CDCs do not need to meet job creation standards for individual loans if the loan is used to further one of the public policy objectives in §501(d). Section 105 modifies that requirement slightly by exempting a particular project from the job creation standards if the project was meeting a public policy objective and if the CDC's overall loan portfolio creates one job for $50,000 in guarantees.

Since the basic premise of loans made pursuant to Title V of the Small Business Investment Act is to encourage economic development, Congress concluded that it made sense to establish a different standard for job creation in economically-depressed areas or places with unusually high wage requirements. Congress believes that CDCs should be provided more leeway in creating jobs in economically-depressed areas and Alaska and Hawaii. As a result, CDC loans in these areas only need to meet a more lenient job creation standard of one job per $75,000 of guarantee in certain areas.

Given the importance of small manufacturing to economic development, Congress excluded loans to small manufacturers from the calculations needed to determine whether a CDC's loan portfolio meets the overall job creation standard of one job per $50,000 of guarantee or the $75,000 standard for high-wage and economically depressed areas. Congress intends that the public policy goals set forth in §501 should be accomplished without reference to job creation for small manufacturers. Section 105 also authorizes the Administrator to waive any of the standards when appropriate. Congress expects that the Administrator will promulgate regulations specifying when the job creation standards will be waived. Two restrictions are imposed on the Administrator's discretion. First, the Administrator may not waive the requirements concerning small manufacturers. Second, the Administrator may not mandate a job creation standard with a number lower than that set forth in §105 but does have the liberty to set a higher dollar guarantee per job standard. These restrictions ensure that the Administrator does not undermine the ability of CDCs to lend to small manufacturers.

Section 106. Report regarding national database of small manufacturers

Institutions of higher education can play a vital role in reviving small manufacturers. Universities must purchase large amounts of standard manufactured products (often on an annual basis—such as furniture for dormitory rooms). They also often purchase very sophisticated tools and laboratory equipment that small manufacturers may produce. Congress believes that some mechanism should be in place so that institutions of higher education can identify suppliers from the universe of small manufacturers. While not an ideal system, a database similar to PRO–NET represents a useful model for making institutions of higher education aware of the capabilities of small manufacturers. PRO–NET is a database operated by the federal government in which the capabilities of numerous small businesses are outlined. Contracting officers use PRO–NET to find small businesses capable of providing goods and services. Section 106 requires the Administrator and the Association of Small Business Development Centers to study the

viability of creating a PRO–NET-like database that all institutions of higher education can use to identify small manufacturers (the definition is identical to the definition in §§104–05) capable of providing their procurement needs. The bill also requires a report to Congress on the viability and cost to establish such a database.

Section 107. International trade

All §7(a) loans can be used to refinance existing debt except for international trade loans. Congress determined that the restriction did not make sense especially since businesses harmed by unfair international competition will be more competitive if their debt service payments are lower. Therefore, Congress authorized businesses otherwise eligible for an international trade loan to use it for refinancing of debt but only to the extent that the Administrator determines the applicant's existing debt is not structured with reasonable terms and conditions. Congress expects that the Administrator examine the interest rate being charged relative to the interest rates generally available for similar businesses to determine whether the terms and conditions are not reasonable.

To obtain an international trade loan, the applicant must demonstrate that the business either is engaged in or adversely affected by international trade. To avoid the necessity of having to prove adverse effects if other government agencies already reached that conclusion in the same industry as the borrower, Congress mandated that the Administrator must accept as conclusive proof of injury a finding by the Secretary of Commerce issued pursuant to chapter 3 of Title II of the Trade Act of 1974 or any determination by the International Trade Commission. If an applicant is in an industry for which the Commission or the Secretary has made an injury finding, Congress concluded that it would be pointless to require the small businesses so suffering to go through the additional expense of presenting new evidence to the Administrator of injury.

Congress intends that the utilization of the findings by the Secretary or the Commission is not a limiting factor if a small business can present other evidence of injury. For example, the Commission or Secretary may not find that an industry was injured or that no claims were made to either agency. Nothing in §107 prevents a small business from presenting of evidence of specific injury to his or her business. The Administrator then would be required to rule on the adequacy of the proof, and if sufficient evidence was found of injury, make a loan under §7(a)(16).

Section 107 also provides for an increase in the size of international trade loans. Given the nature of international trade, Congress typically has mandated that loan caps be $250,000 higher than those for conventional §7(a) loans. This section maintains that practice and increased the cap for international trade loans based on the increase in the guarantee fees for conventional loans.

Section 121. Program authorization levels

This section amends §20 of the Small Business Act and provides for authorization of appropriations. Congress selected authorization levels with sufficient room to allow for expected growth and expansion of programs authorized by the Small Business Act and Small Business Investment Act. Congress also determined that an authorization of appropriations not elsewhere provided should apply to all of the Small Business Investment Act.

Finally, Congress concluded that the existing standing authorization of appropriations only for carrying out title IV of the Small Business Investment Act was illogical. Section 121 amends §20 to provide for an authorization of appropriations not elsewhere provided for carrying out both the Small Business Act and all titles of the Small Business Investment Act.

Section 122. Addition reauthorizations

The Small Business Development Center (SBDC) program's authorization levels are set forth in §21 of the Small Business Act. Congress provided modest authorization increases for the SBDCs to take account of necessary growth in providing services to entrepreneurs. In addition, Congress also extended the authority of SBDCs to provide drug-free workplace counseling. This authority would have lapsed without the change. The extension of authority will give the SBDC grantees sufficient time to coordinate their actions with the grantees under the revised drug-free workplace program.

Given the SBDCs expertise in providing assistance to entrepreneurs, Congress established a program authorizing grants to SBDCs that are willing to offer advice in communities that are economically challenged due to business or government facility down-sizing or closing. Congress expects that this assistance will first be offered to communities suffering from plant closings, then to communities suffering from government office closings, and finally to base realignments. To the extent that other bases are closed in future years, Congress expects that legislation concerning such closures will provide additional assistance to the surrounding communities and that assistance provided under §122 should be utilized in other areas that do not receive the directed assistance associated with base closures.

Section 123. Paul D. Coverdell Drug-Free Workplace Program authorization provisions

Congress recognizes that small businesses need drug free workplaces. Drug-free workers boost productivity and reduce the costs of health care coverage and absenteeism. As a result, Congress reauthorized the program for two years at the five million dollar level. In addition, to ensure that funding is maximized to eligible intermediaries that specialize in providing drug-free workplace assistance to small businesses, Congress adopted a limitation on the amount of funds that can be awarded to SBDCs for carrying out the purposes of the Paul D. Coverdell Program. Furthermore, Congress, again in an effort to maximize limited dollars, restricts the use of funds for administrative purposes to five percent of the total made available to grantees. Nothing in this limitation restricts the drug-free workplace advice that SBDC grantees are authorized to provide in their normal course of operations.

Section 124. Grant provisions

Congress recognized that improvements in coordination between the activities of drug-free workplace eligible intermediaries and SBDCs might improve delivery of services to small businesses. As a result, Congress established a grant program within the Paul D. Coverdell Drug-Free Workplace Program to promote cooperation between eligible intermediaries and SBDC grantees. Congress expects that the Administrator award the two-year grants to those applicants that best demonstrate the capacity to deliver advice in a coordinated manner between SBDCs and eligible intermediaries.

Section 125. Drug-free communities coalitions as eligible intermediaries

Congress recognizes that there are numerous entities that receive grants under chapter 2 of the National Narcotics Leadership Act of 1988 but are not currently authorized to participate as eligible intermediaries under the Paul D. Coverdell Drug-Free Workplace Program. This section makes these National Narcotics Leadership Act grantees, which could provide valuable insight into establishing drug-free workplaces, eligible to receive awards under the Paul D. Coverdell Drug-Free Workplace Program. Inclusion of new additional parties should not be interpreted as directing the Administrator to favor them over others that apply for grants under the Paul D. Coverdell Drug-Free Workplace Program.

Section 126. Promotion of effective practices of eligible intermediaries

To ensure that the Paul D. Coverdell Drug-Free Workplace Program operates optimally, Congress mandates that the Administrator provide best practices to eligible intermediaries. The Administrator should use all of its available outreach resources, including SBDCs, Women Business Centers, and district offices to ensure that eligible intermediaries are kept apprised of best practices.

Congress also believes that the performance of eligible intermediaries should be assessed and measured. Such evaluations will be useful to Congress when it considers what changes, if any, need to make the program even more effective. This section establishes the procedures for collecting data needed to evaluate the efficacy of the program.

Section 127. Report to Congress

This section requires the Administrator to use the data collected under §126 and report to Congress on the efficacy of the program and dissemination of drug-free workplace information. Congress expects the relevant committees to examine the report and make necessary legislative changes as a result to ensure optimal operation of the Paul D. Coverdell Drug-Free Workplace Program.

Section 131. Lender examination and review

Current practice authorizes SBIC licensees to pay for examination and reviews conducted by the Administrator. Congress determined that the same principles should apply to lenders authorized to make government-guaranteed loans under §7(a). This section grants the Administration the authority to charge for examinations and reviews. The section also requires that the fees be directed to lender oversight activities including the payment of salaries and expenses of Administration personnel involved in such functions. This authority does not imply that the fees may be directed to the reimbursement of other functions of the Administration.

Section 132. Gifts and co-sponsorship of events

Gifts and co-sponsorships play a useful role in the Small Business Administration's performance of its outreach function to small businesses. Congress determined that even broader language than is currently permitted was necessary to ensure the Administration's continued ability to obtain gifts and seek co-sponsorships. In particular, Congress recognized that in many instances the Administration does not receive gifts but rather contributions are made by a co-sponsoring entity to an Administration event, such as small business forum. In other instances, the SBA uses gifts to pay for promotional materials, such as cards that are handed out in district offices to promote an event. This section clarifies and broadens the existing authority of the Small Business Administration to obtain gifts and co-sponsorships in order to expand the agency's outreach. To ensure appropriate clarity, Congress added the term ''recognition events'' which would include Small Business Week and sponsorship of dinners during that period. The section also requires the Administration to recognize the co-sponsors of such events but only to the extent of their contributions. No endorsements of the co-sponsors products or services are permitted.

In order to ensure that conflicts of interest do not arise in the solicitation or acceptance

of gifts, Congress requires the General Counsel to determine whether a conflict of interest exists. If a determination that a conflict of interest exists, the General Counsel is empowered to prohibit the solicitation or acceptance. Finally, the language clarifies that the Administrator may delegate the approval of co-sponsorships to the Deputy Administrator, Associate Administrators, and Assistant Administrators. No personnel located in district or regional offices are permitted to approve co-sponsorships. Congress adopted this restriction to ensure close cooperation with the General Counsel of the Administration.

Congress also requires that the Inspector General audit the use of such gifts and co-sponsorships. This avoids potential abuses of the program through independent oversight of an official whose investigations cannot be impeded by the Administrator or Administration personnel. Congress wanted additional assurances (beyond the Inspector General audit) that the Small Business Administration achieved a proper balance between this new expanded authority and accountability. As a result, a sunset date of 2006 was added in order to properly monitor this new authority before considering making this language permanent in the Small Business Act.

Section 141. Service Corps of Retired Executives

Currently, the Administrator has the discretion whether to permit the Service Corps of Retired Executives (SCORE) to maintain offices at the headquarters of the Administration and pay employees of SCORE. Congress determined that the vitality of SCORE should not be subject to whims of the Administrator and therefore require that the Administrator maintain SCORE's offices at the Administration's headquarters and continue to pay for the salaries of SCORE personnel. Congress notes that this will not require any increased appropriation since these services and expenses are currently included in the Small Business Administration's budget.

Section 142. Small Business Development Center Program

Congress remains concerned that SBDCs were and may continue to be revealing the name of businesses that seek their advice to Administration employees for functions unrelated to the financial auditing or client surveys needed to oversee the operations of the SBDC grantees. Congress believes that such behavior is intolerable. This section prohibits the disclosure of client information (including the name, address, telephone and facsimile numbers, and e-mail address) of any concern or individual receiving assistance from a SBDC grantee or its subcontractors (who operate service centers that business owners can utilize to obtain advice) unless the Administrator is ordered to make such disclosure pursuant to a court order or civil or criminal enforcement action commenced by a federal or state agency. Congress expects that SBDC grantees will only respond to formal agency requests, such as civil investigative demands, and subpoenas.

Congress also recognizes that the Administrator has significant management responsibilities to ensure that federal taxpayer dollars are wisely used by grantees and are in compliance with the law, regulations, and the cooperative agreements signed by SBDC grantees. Congress authorizes the SBDC grantees to provide client names for the purposes of financial audits conducted by the Administrator or Inspector General and for client surveys to ensure that the SBDC grantees are satisfying certain aspects of their grant agreements. Congress recognizes that client surveys may be misused and impose restrictions on their use. Until regulations are in place to ensure that SBDC grantee client's privacy is protected to the maximum extent practicable given the management oversight responsibility of the Administrator, Congress requires client surveys to be approved by the Inspector General and any approval incorporated into the semi-annual report made to Congress.

This section also makes a technical change in wording of the SBDC program. It renames the certification program as an accreditation program. The change was made because institutions are accredited not certified. Since the program determines the quality of SBDCs, it makes sense to have them accredited not certified. An identical change is made in 20(a)(1)(D)–(E).

Section 143. Advisory Committee on Veterans Business Affairs

Congress has determined that the federal government must provide better assistance and support to veterans in their efforts to form and expand small businesses. In 1999, as part of this effort, Congress established an Advisory Committee on Veterans Business Affairs. Its responsibilities included providing advice to Congress and the Small Business Administration on policy initiatives that would promote entrepreneurship by veterans. The responsibilities of this advisory board were to be taken over by the National Veterans Business Development Corporation on October 1, 2004. Congress determined that the Advisory Committee's role was sufficiently beneficial that it should not be subsumed within the National Veterans Business Development Corporation. As a result, Congress authorized an extension of the Advisory Committee as a separate entity to continue its functions through September 30, 2006.

Section 144. Outreach grants for veterans

The Administration is authorized to provide outreach grants to help disabled veterans start and expand small businesses. Congress determined that the outreach grants should not be limited to disabled veterans. This section extends the authority to provide outreach programs to veterans and reservists.

Section 145. Authorization of appropriations

To express Congress' concern about adequate efforts to assist veterans, Congress determined that the Small Business Administration's Office of Veterans Affairs should have a separate authorization. This section provides for that separate authorization for fiscal years 2005 and 2006.

Section 146. National Veterans Business Development Corporation

A ruling by the Department of Justice concluded that the National Veterans Business Development Corporation was a federal agency for all purposes and thus subject to, among other things, federal administrative, personnel, and procurement laws. Congress, when it created the corporation, never intended that it would be considered a federal agency. The legislation mandated sufficient fundraising by the corporation that would eliminate the need for federal funding. While that fundraising continues, Congress determined that its original intent concerning the status of the corporation should be honored. This section makes it clear that the corporation is to be considered and treated as a private entity and not an agency or instrumentality of the federal government.

Section 147. Small Business Manufacturing Task Force

Manufacturing jobs in the United States have declined since their historic peak in 1979 and that loss has accelerated in recent years. Small business manufacturers constitute over 98 percent of our nation's manufacturing enterprises. It is impossible to overstate the role of small manufacturers within the overall manufacturing industry and our nation's economy. The House and Senate Small Business Committees have placed a high priority on trying to resuscitate the small business industrial base because economic security in the United States cannot occur in a purely post-industrial economy.

Section 147 establishes a Small Business Manufacturing Task Force within the Small Business Administration, charged with ensuring that the Administration is properly addressing the particular needs of small manufacturers. Specifically, the Small Business Manufacturing Task Force will: (a) evaluate and identify whether existing programs and services are sufficient to serve small manufacturers' needs, or whether additional programs or services are necessary; (b) actively promote the SBA's programs and services that serve small manufacturers; and (c) identify and study the unique conditions of small manufacturers, and develop and propose policy initiatives to support and assist them. This section also instructs the Small Business Manufacturing Task Force to submit a report of its findings and recommendations to the President and the Senate and House Small Business Committees not later than 12 months after the effective date of the bill and annually thereafter. In carrying out their obligations under this section, Congress expects that the Task Force will consult with other agencies that have manufacturing responsibilities, such as the Department of Commerce.

Section 151. Streamlining and revision of HUBZone eligibility requirements

The Historically Underutilized Business Zone (HUBZone) program was designed to direct portions of federal contracting dollars into areas of the country that in the past have been out of the economic mainstream. HUBZone areas, which include qualified census tracts, poor rural counties, and Indian reservations, often are out-of-the-way places that the stream of commerce passes by, and thus tend to be in low or moderate income areas also characterized by comparatively high unemployment. These areas can also include certain rural communities and tend generally to be low-traffic areas that do not have a reliable customer base to support business development. As a result, businesses have been reluctant to move into these areas and expend the necessary funds to develop the infrastructure for creation of jobs. It simply has not been profitable, without a customer base, to keep those businesses operating.

The HUBZone program seeks to overcome these problems by providing the means for Federal procurement activities to become customers for small businesses that locate in HUBZones. While a small business works to grow, expand its payroll, and establish a solid base of commercial or other customers, federal business opportunities can be of vital importance. Federal prime and subcontracts can become an important source of revenue for a HUBZone small business, and prime contracts in particular can help stabilize revenues, establish valuable past performance record, and maintain future profitability.

In past years, the HUBZone program has encountered issues relating to the statutory requirement that a HUBZone firm be entirely owned and controlled by individual U.S. citizens. This requirement means that all HUBZone applicants need to be owned by human beings directly and not human beings organized as business entities. However, many small business owners and small business investors prefer to take advantage of

various corporate forms in order to limit the personal liability for themselves and their families. Exceptions for Alaska Native Corporations, Indian tribal governments, and community development corporations were added by the Small Business Act reauthorization legislation in 2000. Even with those changes, the presence of a corporate entity or a limited liability company with an ownership stake in a small business would have automatically disqualified an otherwise eligible firm from participation in the HUBZone program. Small agricultural cooperatives, which already maintain presence in rural HUBZones, would have faced similar restrictions. These rules unnecessarily impede the flow of capital to the very areas that need it the most and create compliance conflicts with other small business procurement programs.

Section 151 addresses this problem through streamlining and revision of the eligibility requirements for HUBZone small businesses to include small businesses that are 51 percent owned by United States citizens, as well as to include small businesses which are small agricultural cooperatives or are owned and controlled by small agricultural cooperatives.

In addition, HUBZone firms owned by the Indian tribes have been facing peculiar challenges due to statutory requirements that they must hire a certain percentage of its workforce performing a federal contract or subcontract from Indian reservations or adjacent areas. These requirements, while motivated by the desire to spur economic development of the tribes, over time had the unintended consequence of putting tribally-owned firms at a disadvantage in comparison with all other HUBZone concerns by imposing a geographic restriction on the kinds of contracts that tribally-owned HUBZone firms could perform. Geographic restrictions also impeded business synergies between tribally-owned HUBZone firms and Alaskan Native Corporations. To remedy this disparity, Section 151 is providing tribally-owned HUBZone concerns the option of qualifying for the program based on locating in, and hiring workers from, either Indian reservations or any other HUBZones on the same terms as available to other HUBZone firms. Congress notes that the Indian tribes, as owners of the HUBZone firms, will be receiving expanded economic benefits from new contracting opportunities.

Section 152. Expansion of qualified areas

Congress observes that the HUBZone area qualifications are also in need of improvement. Paradoxically, economically distressed rural communities in states with high unemployment—among the neediest of needy areas—currently do not qualify for the HUBZone program because rural areas currently must qualify in relation to the statewide unemployment average. As an example, in calendar year 2003, Alaska had a statewide unemployment rate of 8.0 percent. To qualify as a HUBZone area, it was necessary for an Alaskan rural community to have an 11.2 percent unemployment rate. But, in 25 of the 50 states, a rural community could have qualified as a HUBZone with an unemployment range of 7.8 percent or less.

Section 152 addresses this problem by modifying the definition of a ''qualified nonmetropolitan county'' to provide the option of comparing the unemployment statistic for that area to the statewide average or to the national average. The new statutory HUBZone definition should give the Small Business Administration flexibility to address both national and state-wide unemployment disparities without hurting the states that have comparatively low unemployment overall, but with pockets of serious unemployment.

Congress recognizes the drastic economic ramifications of military base closures and that the HUBZone program can uniquely harness the strength and the creativity of the private sector by providing incentive for small businesses to relocate to areas suffering such ramifications. According to congressional research, more than 300 military bases closed or realigned between 1988 and 2003 and more than 50 percent of these bases were located outside of a designated HUBZone. Therefore, Congress intends that, upon the later of the enactment of this act or the date of final closure, existing as well as future military base closure areas be designated as HUBZones for a period of five years in order to reinvigorate the productive capacity of such areas and leverage existing local customers and a skilled workforce. Congress believes that new businesses and new jobs created through the HUBZone small firms mean new life for areas affected by base closure.

Additionally, Congress notes the existence of numerous complaints that the current definition of HUBZone qualified areas based on census income data, in conjunction with the definition of HUBZone qualified redesignated areas, fail to provide adequate time to recoup a return on investment. These concerns appear justified. Congress observes that the HUBZone program is relatively young, and the federal government is not even close to meeting its statutory prime contracting goal of 3 percent. Because the HUBZone program was enacted into law in 1997, the initial HUBZone areas were designated on the basis of the 1990 Census. However, the federal government conducted another census in 2000. As a result, many areas were redesignated after only 3 years of the program's existence. The statute currently grandfathers the redesignated areas into the program for 3 years.

Congress notes that, at the time of the last redesignation, the small business community received comparatively few benefits from the HUBZone program despite the substantial workforce recruitment, compliance, and business development efforts that must be expended by each of the HUBZone firms. These small businesses, which made business decisions to pursue the HUBZone strategy by locating in a HUBZone, adjusting their ownership structure, and recruiting HUBZone residents are in danger of being penalized for the federal government's slow initial implementation of the HUBZone program. Further, anecdotal evidence indicates that it may take a long time for a new firm to secure a federal contract, and that multiple-order contracts commonly envision task orders over a number of years. In these circumstances, a 3-year grandfather clause would appear not to provide sufficient time for a small business to generate a return on the HUBZone investment. By comparison, companies under the 8(a) program can maintain such a designation for 9 years, and a general small business designation can be maintained indefinitely. Therefore, Congress imposes a moratorium on HUBZone area redesignations by providing for an extension of the redesignation period until the conclusion of the 2010 Census. No certified HUBZone firm shall be decertified as a result of either the redesignation process based on the 2000 Census data or any revised unemployment data subsequent to December 21, 2000, the date of passage of enactment of the HUBZone in the Native America Act. It is the intent of Congress to have the Small Business Administration reinstate any HUBZone firm previously decertified based on these two criteria.

Congress also finds that, concurrently with the moratorium, a study on the effectiveness of the HUBZone area definitions, including the redesignation period, must be conducted by the Office of Advocacy of the United States Small Business Administration. The Office of Advocacy is chosen to conduct this study for its particular expertise in small business procurement, rural small business development, and general small business matters. Congress directs the Office of Advocacy to examine the impact and effectiveness of the HUBZone definitions on small business development and jobs creation, and expect that the Office of Advocacy will periodically consult with congressional small business committees on matters concerning this study. Findings and recommendations of the study must be reported to congressional small business committees by May 1, 2008.

Section 153. Price evaluation preference

With regards to the application of existing HUBZone price preferences to international food aid procurements conducted by the United States Department of Agriculture (USDA), Congress concludes that the preferences as they currently stand are hindering the goals of U.S. foreign humanitarian food assistance programs. This view is supported by extensive consideration of market data from the Kansas City auction office of the USDA Farm Service Agency, the structure of auction tenders and other auction processes, as well as data supplied by the industry. It appears that there is a risk of various unintended and undesirable consequences to applying the current HUBZone mandate to international food aid acquisitions. In particular, it appears that, in the context of food aid tender auctions, the claimed job gains fostered by the current price preference are offset by job losses in other communities, the non-HUBZone small businesses attempting to compete may experience undue harm, and the competitive supplier base may atrophy. In turn, this may undermine USDA's capacity to secure adequate foodstuffs for malnourished persons and increase the costs to the food aid programs without realizing adequate jobs creation and business development benefits.

The HUBZone price preference alternative adopted in this act (a 5 percent price evaluation preference on 20 percent of the contract) would alleviate these potentially damaging effects on the U.S. food aid system. Congress believes that this approach would preserve the HUBZone program's goal of providing HUBZone-eligible companies with a meaningful opportunity to compete while ensuring that the USDA has an adequate capacity of supply from which to draw to deliver emergency food aid in catastrophic situations. This approach would also eliminate the current HUBZone program's application problem which directly penalizes non-HUBZone small businesses due to the nature of the food aid auctions. The potential for job losses in other communities would be limited. Importantly, this approach also reflects the cornerstone of America's efforts to provide food assistance to the world's neediest people through competitive markets.

According to President Dwight D. Eisenhower and congressional architects of the Small Business Act, an overarching purpose of small business procurement programs is to assure a vibrant, competitive supplier base for the federal government. Price preferences are employed to further this purpose, and should be structured accordingly. Congress notes that, in general, price preferences have been a valuable tool for encouraging a more robust supplier base. Nevertheless, Congress believes that, in these very special circumstances, it is important to encourage competition by keeping multiple vendors actively bidding in our food assistance programs to secure the lowest cost procurement and emergency supply chains in

the case of humanitarian crisis. This approach builds on the current small business 10 percent set-aside by an additional 20 percent allocation of every tender to small businesses and HUBZone applicants. It guarantees full and open competition, including competition pursuant to the Small Business Act, in food aid procurement tenders to assure that U.S. food aid programs do not suffer consequences inconsistent with the intent of the price preference program. The approach in this legislation safeguards the dual interests of a vibrant small business presence in federal procurements and robust food aid programs.

Section 154. HUBZone authorizations

Congress notes that the federal government has failed to meet its statutory HUBZone contracting goals every single year these goals have been in effect. Continuous, dedicated authorization of the HUBZone program is essential to continue the effort to bring economic opportunities to the HUBZone areas. Therefore, Congress extends the current authorization of appropriations of $10,000,000 for the SBA's HUBZone program through Fiscal Year 2006.

Section 155. Participation in federally funded projects

Section 155 removes the burdensome paperwork requirements for additional certification by firms seeking to perform any State, or political subdivision projects that utilize federal dollars if they are currently certified, or otherwise meet the applicable qualification requirements, for participation in any program under §8(a) of the Small Business Act.

This change will: (1) provide federally certified §8(a) small businesses with access to all State and local projects funded in whole or in part by the federal government; (2) eliminate the burden of requiring §8(a) small businesses to get certifications from the State or local government or both in addition to their federal certification under §8(a); and, (3) decrease certification costs and eliminate time delays associated with the burden of receiving additional state or local government certifications for businesses authorized to participate in program established by §8(a) of the Small Business Act.

Section 161. Supervisory enforcement authority for small business lending companies

This section creates a new §23 of the Small Business Act. It gives the Administrator specific enforcement and supervisory authority over Small Business Lending Companies (SBLCs) and Non-Federally Regulated SBA Lenders as those terms are defined in §162 of this conference report. The vast majority of lenders authorized to make loans pursuant to the Small Business Act have their lending and other activities overseen and regulated by federal financial regulators, including loans and corporate transactions related to their general lending practices. The Administrator makes no effort at regulating lending institutions except for their authority to make §7(a) loans.

In contradistinction, there are a few institutions that are authorized to make loans pursuant to §7(a) of the Small Business Act that are not typical lending institutions. SBLCs (except for two which are wholly-owned by national banks) are subsidiaries of industrial corporations and thus not subject to any regulation by financial regulators, other than certain filings made with the Securities and Exchange Commission. Non-federally regulated SBA lenders have some state oversight but the extent varies according to state law. The only authority that the Administrator has with respect to these lenders is the ability to prohibit them from making loans pursuant to §7(a). The Administrator has no authority to take other regulatory action, similar to that available to banking regulators, to protect the public and the federal treasury. Congress concurs with the Administrator's request that greater authority is needed to regulate SBLCs and Non-Federally Regulated SBA Lenders.

The basic approach adopted by Congress enables the Administrator to supervise the soundness and safety of institutions authorized to make loans pursuant to §7(a) but are not otherwise subject to the strict oversight imposed by federal financial regulators. Congress concurs with the Administrator's request that specific enforcement and supervisory authority are needed. These authorities include the power to: issue cease and desist orders, impose civil money penalties, mandate capital standards, and remove officers and directors who are acting in an unsafe and unsound manner. The power and authority tracks closely the powers granted to the Administrator with respect to regulation of SBICs and their officers and employees. In some cases, Congress differentiated regulatory powers applicable to SBLCs and those applicable to Non-Federally Regulated Lenders. Nothing in this section grants the Administrator the authority to be extended to overall corporate management of the parent that owns a SBLC.

Congress provides for the Administrator to issue capital directives mandating maintenance of certain capital standards, including the requirement to increase its level of capital. The section also authorizes the Administrator to issue cease and desist orders by the SBLC or Non-Federally Regulated Lender. To ensure that the capital directive is used sparingly and only in appropriate circumstances, the Administrator is required to promulgate regulations on capital directives and may only delegate the authority to the Associate Administrator for Capital Access.

The Administrator also is empowered to suspend or remove officials that have management responsibility for the entity's lending pursuant to §7(a) of the Small Business Act. No authority, explicit or implied, is authorized to remove or suspend officials that do not have management responsibilities with respect to §7(a) lending. Thus, Congress expects that the Administrator take action not to suspend the Chief Executive Officer of General Electric Corporation but only its SBLC subsidiary.

Prior to the issuance of any order under this section except for a capital directive, the Administrator is required to provide any target of the order a hearing pursuant to §§554, 556, and 557 of the Administrative Procedure Act. The section delegates the responsibility of conducting the hearing to administrative law judges but the final responsibility on determining whether an order should issue rests with the Administrator based on the record developed at the adjudication. The approach is similar to that used by independent federal regulatory agencies such as the Federal Communications Commission or Federal Trade Commission. Those agencies use administrative law judges to conduct hearings and the commissioners use that record as the basis for their legal and policy determination. This bifurcation of the hearing from the decisionmaker ensures that the hearing will be fair and provide an opportunity for the target of an order to make the best possible case before an impartial fact-gathering tribunal.

The Administrator is authorized to issue orders prior to a hearing if extraordinary circumstances exist and the order is needed to protect the financial or legal position of the United States. The Administrator only should use the power to issue orders without a hearing only under those circumstances in which an agency issues a rule without notice and comment, i.e., a truly exigent circumstance, see, e.g., NRDC v. Evans, 316 F.3d 904, 912 (9th Cir. 2002); Utilities Solid Waste Group v. EPA, 236 F.3d 749, 754 (D.C. Cir. 2001) (good cause to forgo notice and comment applies only in emergency circumstances), or when a federal court would issue an ex parte temporary restraining order (but in order to preserve and protect the federal government rather than the status quo). Cf. Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers, 415 U.S. 423, 439 (1974) (noting that ex parte restraining orders necessary evil to protect status quo). The section then provides that the procedures for holding a hearing, including the notice requirement, be commenced within 2 days after the issuance of the order. Congress believes that this comports with the fundamental fairness exhibited by federal courts when issuing an ex parte temporary restraining order.

Congress' approach defines final agency action for purposes of a challenge to the issuance of an order by the Administrator and authorizes that a challenge may be commenced in federal court within 20 days after issuance of a final order. For purposes of fundamental fairness to individuals, Congress also believes that interim relief in federal court is appropriate for a stay of an order issued prior to hearing until the hearing itself is completed. Both of these provisions were added out of an abundance of caution. Although Congress believes that federal court jurisdiction challenging the Administrator's action may constitute a ''federal question'' pursuant to §1331 of the Title 28, United States Code, Congress determined that explicit authority to challenge the Administrator's orders in federal court removes any question that this decision has been remitted solely to the discretion of the agency and is not subject to review under Heckler v. Chaney, 470 U.S. 821 (1985).

This section authorizes a court to appoint a receiver for the entities subject to regulation pursuant to this section. The receiver is entitled to take possession of assets of the SBLC or Non-Federally Regulated SBA Lender. Congress intends this authority to extend only to the SBLC or Non-Federally Regulated Lender's portfolio of loans or other instruments guaranteed by the Administrator including any debentures, participating debt, or securities issued pursuant to the Small Business Investment Act.

Congress believes that suspension, revocation, or cease and desist is an extraordinary remedy. Each requires an extremely high burden of proof related to willful misconduct that may present a difficult case for the Administrator to prove. Therefore, the bill also provides the Administrator with the authority to seek court-imposed civil penalties for the failure to file reports required by the Administrator. Such penalties shall issue when the failure to file is willful and not due to neglect. The failure to file required reports for more than two reporting periods is, in the opinion of Congress, sufficient, but not the only evidence of willful neglect. Congress expects the Administrator to promulgate regulations outlining the factors that determine willful neglect for the purposes of civil penalties (as an aid to the entities regulated pursuant to §23). These regulations also must contain standards for exempting SBLCs and Non-Federally Regulated Lenders from the civil penalty provisions as well as the procedures used for determining whether the institution qualifies.

Section 162. Definitions relating to small business lending companies

Almost all of the lenders authorized by the Administrator to issue guaranteed loans pursuant to §7(a) are lending institutions regulated by a federal financial regulator. However, there are a few institutions that make guaranteed loans that are not subject to federal financial regulatory oversight or regulation by a state banking authority. The Administrator classifies these institutions generically as ''small business lending companies.'' However, that universe actually consists of two separate entities—small business lending companies (not financial institutions) and financial institutions not subject to any agency authorized to review the safety and soundness of depositary institutions. Since §161 adds a new §23 granting the Administrator power to regulate these entities, §162 adds two new subsections to the definitions in the Small Business Act defining small business lending companies and nonfederally regulated SBA lenders.

Section 201. Amendment to definition of equity capital with respect to issuers of participating securities

Congress determined that changes were needed in the definition of equity capital with respect to any company that issues participating securities. Such companies, participating securities SBICs, commit to invest an amount equal to the outstanding face value of participating securities solely in equity capital. Equity capital refers to common or preferred stock or a similar instrument, including subordinated debt with equity features. Equity capital issued by participating securities SBICs previously provided for interest payments to be made to the Administration contingent upon—and limited to—the extent of earnings on equity capital. However, since the inception of the Participating Security SBIC program, the majority of SBICs have not realized sufficient profits with which to meet their financial obligations to the federal government. This has resulted in serious financial loss for the federal government. In order to mitigate these losses, the definition of equity capital has changed so that participating security SBICs do not have to realize profits on their investments in order to make payments to the Administration. If a participating security SBIC is experiencing overall losses on their investments but has other sources of funds such as invested excess funds, royalty payments, licensing fees and the like, Congress intends that these funds may be used to meet their obligations to the Administration.

Section 202. Investment of excess funds

This section provides SBICs with additional flexibility for handling funds prior to investments in small businesses by allowing SBICs to invest such funds in additional types of securities. Currently, SBICs holding cash, prior to investing in a small business, are only permitted to invest directly in obligations of the United States, obligations guaranteed by the United States, or in certificates of deposit maturing within one year or savings accounts that are in institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. This section modifies the current restriction by permitting SBICs to invest in securities, mutual funds, or instruments, which themselves invest solely in the obligations that are currently permitted. For instance, Congress expects that SBICs will be able to invest in mutual funds that, in turn, invest in the government-backed obligations already authorized for investment in SBICs. Congress believes that this modification will provide SBICs with greater flexibility and a wider range of short-term investment options.

Section 203. Surety Bond Amendments

Section 203(a) clarifies that the current $2 million limit on surety bonds applies to the bond guarantee and not the contract size. Congress adopted this clarification to prohibit contracting officers from determining that small businesses would not qualify for an Administration-backed surety bond for a contract worth less than $2 million even though it was part of a bundle of contracts that exceeded $2 million. For example, a small business might be denied a surety bond if the small business had a contract for $1.5 million, but that contract was part of a $12 million bundle of contracts that had been awarded simultaneously.

Section 203(b) requires that an audit of each participating surety shall occur every three years instead of annually. This reduction in the frequency of audits will save participating sureties time and money and allow them to allocate these resources to more productive uses. In addition, this will enable the Administrator to focus on more critical elements since the sureties already provide reports on a periodic basis that would identify problems during the interregnum between audits.

Currently certain sureties designated by the Administrator may issue, monitor, and service surety bonds issued pursuant to Title IV of the Small Business Investment Act. This authority ceased to be operative on September 30, 2003 (but has been extended for short periods of time on a temporary basis). Congress determined that the authority for this program should be made permanent. Section 203(b) makes that change by repealing 207 of the Small Business Reauthorization and Amendment Act of 1988.

Section 204. Effective Date of Certain Fees

Loans made pursuant to Title V of the Small Business Investment Act do not require any appropriation. Fees charged to borrowers and CDCs absorb the costs associated with the issuance of such loans. When the zero-subsidy for the program was instituted, Congress made the fee authority temporary to see whether the program could survive without an appropriation. The program has succeeded admirably and Congress does not expect that an appropriation to fund loans made by CDCs will be made for the foreseeable future. As a result, Congress determined it was pointless to continue, as temporary, the Administrator's authority to charge fees for loans made pursuant to Title V of the Small Business Investment Act. Section 204 grants the Administrator permanent authority to charge fees.

Mr. KOLBE. Mr. Speaker, I rise to speak in strong support of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for fiscal year 2005, which is included as Division D of this consolidated appropriations legislation. This conference agreement provides important funding for programs designed to support the global war on terrorism, the battle against HIV/AIDS and other infectious diseases, and to support the national interests of the United States. It provides new funding of $93 million to help address the humanitarian disaster in Sudan, including $75 million to support an African Union security force to help end the violence that is plaguing the people of Darfur.

This portion of the conference report contains $19.7 billion in new discretionary budget authority for fiscal year 2005, excluding $93 million in emergency spending to meet the very real emergency in Darfur. This is still $1.6 billion below the President's request, but represents an increase of $318 million above the level passed by the House. The primary reason for the increase is a conference decision to fund the President's highest priority in this bill, the Millennium Challenge Corporation, at a level of $1.5 billion.

We had many challenges in dealing with the Senate bill and reaching a final agreement, but I think we were successful in crafting a bill that is balanced and promotes United States foreign policy objectives.

The Millennium Challenge Corporation will be an important innovation in the way we deliver foreign assistance. It will reinforce and reward efforts in developing countries to strive for poverty reduction by emphasizing a country's commitment to fighting corruption and investing in its people. It was our appropriation bill last year that incorporated the authorization creating the MCC. The President can continue to count on me as a strong supporter.

In addition, we provide important military assistance and counter narcotics funding for our allies in the global war on terrorism, including: an increase of $350 million, for a total of $400 million, to train and equip the new Afghan National Army; an increase of $90 million for law enforcement and counter narcotics programs in Afghanistan, to help reduce record opium harvests; a new base program of $300 million for military assistance for Pakistan to help us in hunting terrorists along the Afghan border; and an increase of $73 million, for a total of $2.22 billion, for our closest alley in the Middle East, the State of Israel.

The conference agreement includes full funding for these increases, both through new budget authority and, in the case of Pakistan, the use of $150 million in transfer authority.

In addition, the conference agreement includes $2.3 billion for combating HIV/AIDS and related diseases, an increase of $690 million over last year and $93 million over the President's request. Together with $624 million recommended by the Subcommittee on Labor/HHS, over $2.9 billion will be available for HIV/AIDS programs in fiscal year 2005.

The conference agreement includes a contribution of $338 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria. The figure for the Global Fund has gotten a lot of attention, and I want to set the record straight. The $338 million that the conference included in $238 million over the President's request. I hope everyone keeps in mind that in order to meet our budget target we had to cut $1.6 billion from the President's request for foreign assistance. Given such a challenge, I'm personally very satisfied that we are able to find bicameral, bipartisan support for such a significant contribution.

My colleagues should know that the U.S. contribution is limited by law to one-third of all contributions to the Global Fund. Because other countries, particularly some European countries, did not step up to the plate last year, $88 million of our money intended for the Global fund could not be spent. We've included bill language to direct those funds back to the Global Fund; otherwise they would not be available for that purpose. When the challenge of AIDS is so large, we must put every dollar to work.

Finally, the Fund has grown tremendously in its three years. It currently has over 200 grants under management for billions of dollars. The funding included in the conference agreement provides enough—again, assuming

other countries contribute their share—to cover the ongoing and renewal costs of these grants.

The Fund needs to take the next several months to make sure it's strong enough to fulfill its mandate efficiently and transparently. The conference agreement includes guidance for steps the Fund should take, such as making sure funds are disbursed only on the basis of proven results.

This conference agreement also provides $950 million for other health activities aside from HIV/AIDS. This amounts to an increase of $130 million over the President's request and a $31 million increase over last year.

The conference agreement also provides $404 million in assistance for Sudan, including Darfur. I visited Darfur a few months ago with Mr. JACKSON of Illinois, and we returned convinced that no long-term solution can be found for that troubled region without security. The African Union observers and protection mission in Darfur is a step in the right direction, and $75 million of this assistance is specifically intended to support and sustain that mission. Our bill is explicit in providing that no funds from these accounts can be made available for the government of Sudan in Khartoum until it acts in good faith to find a lasting peace in Darfur. The rest of the funding will remain available for humanitarian assistance for the people of Sudan.

We continue an emphasis in agreement on helping developing countries build their capacity to participate in the international trading system. The conference agreement provides $507 million for trade capacity building, the same amount as last year. It also includes $20 million specifically intended to help the countries of Central America develop the labor and environmental standards that will help facilitate implementation of the Central American Free Trade Agreement, which I hope Congress can make a reality in the coming session.

The conference agreement also responds to emerging needs, such as the provision of $85 million in assistance for Haiti. This legislation also funds the export finance agencies that help promote U.S. investment overseas and create jobs in the United States export sectors. It provides over $250 million for these agencies, including the Export-Import Bank, the Overseas Private Investment Corporation, and the Trade and Development Agency, which is offset by $311 million in collections.

The narcotics industry has become a source of funding for terrorists, especially in countries like Colombia and Afghanistan. As part of the war on terror, the conference agreement fully funds the President's request for the Andean Counterdrug initiative at a level of $731 million, for anti-narcotics, interdiction, development programs, and rule of law and institution building programs in Colombia, Bolivia, Peru and Ecuador.

Under the general anti-narcotics account, the conference report fully funds anti-narcotics and law enforcement programs in Afghanistan at a level of $90 million, and in Mexico at a level of $40 million.

To support continuing United States leadership in the world for providing humanitarian responses to refugee crises, the conference agreement provides $800 million for refugee programs, $50 million more than the President's request.

To conclude, Mr. Speaker, I believe this balanced conference agreement provides important support for our most critical national security needs while substantially increasing funding to respond to the global HIV/AIDS pandemic. It also enhances our support for our overseas development assistance and humanitarian assistance activities. It meets the high priority needs of the President in these areas, and accommodates Congressional concerns as well. It is a conference agreement that I think all members of this body should support.

Before I yield, Mr. Speaker, I want provide special thanks to my full committee chairman, BILL YOUNG of Florida, for his help and support to the Foreign Operations Subcommittee over the past 6 years. He is leaving as committee chairman, but remains a valued member of our committee, and I look forward to working with him closely in the future.

I also want to pay tribute to the ranking minority member of the full committee, Mr. OBEY, and my ranking minority member, NITA LOWEY. They both have been extremely helpful in this process, and I very much appreciate the House Foreign Operations bill, and in reaching a conference agreement. I also appreciate all the members of the Subcommittee who contributed so much to this final agreement.

Mr. INSLEE. Mr. Speaker, I oppose the language in this Omnibus bill that significantly restricts a woman's access to health care services. This year, 2,500 Washington State residents traveled across America to march for this right protected by the U.S. Constitution. As the 108th Congress comes to an end, I am disappointed to be faced again with an omnibus piece of legislation containing political poison pills that attack constitutional liberties.

I regret that Congress must pass this appropriations bill to keep our Government running yet simultaneously approve a bill that encroaches on a woman's right to make private medical decisions with her doctor. Embedded in this legislation is a Federal Refusal Clause which creates an impossible situation for women in my State that are protected by local pro-choice laws—laws that these citizens time after time support—which ensure women access to reproductive health information and services.

This provision would break contracts that Washington State has with Medicaid providers to prohibit the local healthcare facilities participating in Medicaid from referring patients to abortion services—even when medically necessary, even upon patient request and even though law entitles it. This provision is a blow to the right of a woman and her doctor to make private healthcare decisions and I urge my colleagues to correct this outrage.

Mr. OWENS. Mr. Speaker, I ask that my statement be included at the appropriate place in the RECORD in its entirety and request permission to revise and extend my remarks.

Mr. Speaker, as other members on the Democratic side of the aisle have stressed, the Republican majority has allowed us only a handful of hours to examine the content of this mammoth bill, which numbers in the thousands of pages, before holding a vote on final passage. This rushed vote on the omnibus appropriations bill for fiscal year 2005 represents more than a serious disservice to the American people. It signifies a disgraceful denigration of our role as elected representatives and a serious blow to our democratic form of government.

Although I therefore lack any time to sift through, let alone examine carefully, the lion's share of provisions in this omnibus measure, I have seen two labor clauses which cause me the gravest of concerns. First, this conference report reverses a provision—which passed both the House and the Senate with clearcut bipartisan support—to ensure that workers who put in overtime hours get paid overtime wages. The Republican leadership in Congress has therefore joined with the Bush Administration in pilfering the pockets of hardworking Americans and their families. By taking away the right of millions of American workers to earn overtime pay, the Republican leadership is also turning back the clock more than half a century. They do so to the detriment of hardworking women and men and their families across this nation.

Secondly, a clause in this bill that would seriously erode worker protections against tuberculosis (TB) and bioterrorism. This provision prohibits the Occupational Safety and Health Administration (OSHA) from enforcing any part of its respirator standard for workers at risk of exposure to TB and other deadly infections. At a time when the Bush Administration is invoking daily, color-coded terrorist alerts, it is senseless to weaken the only standard we have to protect health care workers against air-borne pathogens or air-borne ''weapons of mass destruction.'' By prohibiting OSHA from enforcing either an initial as well as an annual fit test for workers' masks, that is exactly what is possible. According to Dr. Margaret Hamburg, Vice President for Biological Programs at the Nuclear Threat Initiative, drug-resistant TB is a biological agent that might be used as a weapon, in addition to small pox, pneumonic plague, and others. To undercut the only protection that front-line health care workers would have against such agents—namely, their respirators—is worse than irresponsible and reckless. It is entirely without conscience. Mr. Speaker, I hope my colleagues in the 109th Congress will see the wisdom of reversing this provision, which seriously undermines workers' protections against TB and bioterrorism.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to urge the Conferees and Appropriators to strike the language contained in Section 508(d)(1), language that was offered by the gentleman from Pennsylvania as a violation of the House Rule against legislating in an appropriations measure.

In addition, Mr. Speaker, this provision severely undermines the right of States to enforce their laws.

If this bill passes and a State or local government fails to comply with the Weldon provision, they essentially put at risk the following:

All of their state Medicaid funding.

All their S–CHIP money.

All their Head Start money.

All their child care development block grant money.

All their social services block grant money.

Simply put, it restricts states' autonomy and right to self-governance and undermine states' ability to enforce their own constitutional protections.

If a state chooses to enforce its own laws and require an HMO to provide abortion counseling or services—it will pay a very heavy price.

This provision has a broad and draconian enforcement mechanism. It would deny federal funds to a state or local government that attempts to ensure women have full access to

reproductive health services and information. In fact, the proposal is worded so that even federal programs could be stripped of their funds if they were to comply with existing federal laws requiring women have full access.

Moreover, it interferes with state and local governments' responsibility to set the parameters of their own Medicaid programs. It blocks federal, state and local governments' attempts to improve women's access to full reproductive health services.

Rights now, if a woman is raped and receives her health care from Medicaid, states can force all HMOs that participate in Medicaid to either pay for her abortion or at least tell her that she is eligible to get such coverage and where to get it. If this provision passes, states will not be able to enforce this requirement and Medicaid HMOs could simply refuse to cover this woman's abortion and not tell her that she can get coverage elsewhere.

It even interferes with, and possibly overrides, current federal laws, such as the Emergency Medical Treatment and Active Labor Act, which ensure that women in life-threatening circumstances receive the medical care they need.

Right now, if a woman comes into the emergency room of a hospital with an incomplete miscarriage, which can threaten her life, under EMTALA, the hospital must stabilize her. If stabilizing requires completing that abortion, they have to do it no matter what their religious beliefs. If Weldon passes, the hospital could claim that it is ''discrimination'' to force them to do this. So, this provision could essentially overrule EMTALA depending on how it is interpreted and we don't know how it will be interpreted.

Mr. Speaker, I strenuously urge my colleagues in the House to fight this onerous, dangerous provision that is a backdoor attempt to overturn Roe v. Wade.

Mr. EMANUEL. Mr. Speaker, I want to thank the Appropriations conferees for including in the conference report nearly $100 million to improve flu vaccine production capacity and technology, and, if necessary, to allow the government to purchase vaccine.

This allocation will help us make sure we don't repeat the mistakes of this year. This investment in flu vaccines means that the Congress learned a lesson from this year's crisis and is taking steps so it doesn't happen again.

This year's shortage is resulting in long lines for the flu shot and widespread fear among the elderly and other vulnerable populations that they will be stricken with the flu virus.

As the sponsor of the Flu Protection Act, along with Senator BAYH in the other body, I also want to thank Congressman SHIMKUS and all of the 29 bipartisan cosponsors of the Flu Protection Act for their work on this issue.

We have our work cut out for us. Next year, we need to implement all of the provisions of the Flu Protection Act, and ensure that we improve our ability to prevent an avoidable public health disaster.

Mr. EHLERS. Mr. Speaker, I rise today to express my displeasure with the current state of the appropriations bills.

First, I regret that we are using an omnibus bill to finish the appropriations process for FY 2005. It is not a good procedure, under any circumstances, when we are required to vote on a bill with insufficient time for review, especially a bill as important as appropriations for most of government funding other than Defense and Homeland Security.

My most serious concern with the omnibus is the appropriation for the National Science Foundation, (NFS), which is $227 million below the President's request for FY 2005. The amount is even $60 million lower than last year's appropriation—before accounting for the .83 percent across-the-board cuts, meaning the cut is actually larger than $60 million—primarily in the critical areas of research and education, and even reduces the support for basic research. In the last 20 years this has happened only twice, and I am sorry to see that this year we will make it a third.

While I understand the need to make hard choices in the face of fiscal constraint, I do not see the wisdom in putting science funding far behind other priorities. We have cut NSF despite this omnibus bill spending *more* money for the 2005 fiscal year, so clearly we could find room to grow basic research while maintaining fiscal constraint. But not only are we not keeping pace with inflationary growth, we are actually cutting the relative size basic research comprises of the overall budget.

NSF has been praised as a model of administrative efficiency—over 95 percent of its funds go directly to support education and research programs. Former OMB director, Mitch Daniels, praised NSF as a model of administrative efficiency and called NSF one of the ''true centers of excellence in this government'' for its low overhead costs and efficient use of tax dollars. Furthermore, NSF has earned a reputation as the premiere basic research institution with only 4 percent of the total federal research and development budget. I am concerned about the kind of message that we are sending by cutting funding at agencies that succeed so well with already lean budgets, while rewarding those less efficient agencies by increasing their funding.

This decision shows dangerous disregard for our nation's future, and I am both concerned and astonished that we would make this decision at a time when other nations continue to surpass our students in math and science and consistently increase their funding of basic research. We cannot hope to fight jobs lost to international competition without a well-trained and educated workforce. If we want to remain competitive in the international marketplace, we must provide funding that stimulates innovation and supports education. Within our borders, NSF supports technological innovation that has been, and remains crucial to the sustained economic prosperity that America has enjoyed for several decades. This innovation is made possible, in large measure, by NSF support of basic scientific research, particularly in the physical sciences. Research at NSF not only underpins physical science research, but lays the foundation for work in the health science and medicine as well. Reducing this funding is extremely shortsighted.

While I strongly oppose the reduced budget for the National Science Foundation, I recognize that the omnibus contains many important pieces of legislation that are necessary to pass. Therefore, under protest, I will vote for the bill, but my vote does not in any way represent my approval for the funding cuts to the NSF.

Ms. LOWEY. Mr. Speaker, I rise in support of this conference report. I'd like to take a few moments to focus on the foreign operations section, which I strongly support and which I believe represents the very best of bipartisan cooperation in the pursuit of a sound and effective foreign policy.

Despite representing a cut of $1.9 billion below the President's request, the conference agreement will accomplish many good things. It increases the President's request for international HIV/AIDS programs by about $100 million, and by about $700 million over last year's level. It provides a total of $400 million for basic education, which is a $75 million increase above last year. Since Chairman KOLBE and I began working together, we have quadrupled funding for basic education, and I am pleased the Senate agreed to include the House-passed level for this valuable priority.

The Millennium Challenge Corporation will receive $1.5 billion, which is $500 million above last year. We have also restored cuts proposed by the President to USAID's core programs for health, the environment, democracy building, and economic growth. This is the second consecutive year that Congress has had to restore the administration's cuts, and I hope the administration will take notice. Congress has no intention of cutting our core programs in Africa and Latin America to make room for new initiatives.

The agreement fully funds our commitments to Israel and other Middle Eastern countries and provides increases for new programs designed to mitigate conflicts. I am pleased that we have extended the loan guarantee program for Israel by 2 years, which will enable Israel to take full advantage of the authority already granted by Congress. I am also pleased that the statement of managers expresses concern about the need for more vigorous oversight of the United Nations Relief and Works Agency, and requests a report on oversight measures from the State Department.

The agreement also provides significant funding for both Pakistan and Afghanistan as we continue our partnership in fighting the war on terrorism. As reconstruction proceeds in Afghanistan, it is increasingly clear that the $1 billion in this bill will have to be augmented by as much as an additional $1 billion in supplemental funds. I hope that we will have the opportunity to provide these funds after the New Year—we have a responsibility to our own national security, and to the people of Afghanistan, to get the reconstruction job done right.

We have increased funds for both Sudan and Haiti because of the serious humanitarian crises in both countries. For Haiti, we have provided $85 million, which is $58 million above the request. For Sudan, the bill contains the $311 million included in the House-passed bill plus an additional $93 million specifically for the Darfur emergency. This funding, which should have come in the form of a mandatory transfer from the billions of unspent Iraq reconstruction funds, will instead be provided as new, emergency funding. I am simply baffled that, despite bipartisan support for this transfer, the administration has fought tooth and nail against it. While I am pleased the funds have been provided, I am surprised that we have not taken advantage of the authority to use already-appropriated funds for this clearly important purpose.

Once again, I am disappointed with the disposition of the outstanding issues surrounding international family planning. While I am pleased that the conference agreement provides $441 million for our bilateral family planning programs, these programs are still subject to the senseless global gag rule policy.

We have also failed to rationalize restrictions on funding the United Nations Population Fund, which as received no U.S. support since 2001.

I am pleased that we have clearly stipulated that any fiscal year 2005 funds blocked from UNFPA will go to bolster our bilateral family planning programs. I am deeply disappointed that the administration has only allowed us to provide half of the fiscal year 2004 funds meant for UNFPA for family planning. I support anti-trafficking initiatives, but urge the President to actually request them for the upcoming fiscal year, instead of simply announcing that he will take them from other programs.

One last issue I feel compelled to address is the potential cut-off of economic assistance to a number of countries based on their failure to sign so-called Article 98 agreements. The House bill contained language extending the reach of current law by cutting off Economic Support Fund assistance to the government of countries that have not signed agreements exempting U.S. troops from the jurisdiction of the International Criminal Court. Current law cuts off military assistance to countries with no signed Article 98 agreements, but also gives the President broad waiver authority.

The conference agreement contains a narrow waiver for non-NATO allies, but no waiver for the remainder of the world. The ultimate result is the potential cutoff of economic assistance to Jordan, Cyprus, Lebanon, Ecuador, Kenya, South Africa, Angola, and other countries.

I understand and share the concerns many of my colleagues have about the International Criminal Court. But I also do not believe that these concerns should be the cornerstone of U.S. foreign policy.

Jordan is not only our most reliable partner in the Arab world, the country now serves as the primary staging point for much of our Iraq reconstruction effort. The new Iraqi police force upon which so much depends is now being trained in Jordan. Threatening a cutoff of economic assistance simply flies in the face of common sense. Our program in Cyprus has been in place for many years and funds efforts to help end the conflict there—a key U.S. foreign policy goal. In other countries, our efforts include a wide range of programs relating to drug trafficking, dealing with environmental problems, and providing economic advisors. It seems shortsighted to discard these goals because of concerns over the poorly organized and ineffective ICC.

Personally, I believe this provision should have been dropped—I opposed it when it was offered during House consideration of the bill. However, if a waiver must be included, it should have included all countries and not simply NATO and major non-NATO allies. This would allow the administration to let aid flow unimpeded to key countries in Latin America and Africa that might otherwise be forgotten. As it stands now, many of these programs are likely to be curtailed or halted.

Mr. Speaker, I also want to express my concern with the Weldon refusal clause provision included in the LHHS section of the bill. For over 30 years, there have been Federal laws that allow doctors, nurses, and hospitals to refuse to provide abortion services because of their religious beliefs.

However, just as the law protects religious or moral objections, it protects the rights of patients—ensuring that women have access to accurate and complete medical information when making decisions about their own health. The Weldon provision would unravel these protections—gutting the patient protections included in the Title X family planning program, which require that all legal options are presented to a woman; denying rape and incest survivors access to legal abortion services, which is a longstanding provision in current law, and overriding State constitutional patient protections.

I am very disappointed that my and my colleagues' efforts to strip this provision from the final bill did not prevail. This will hurt women all around our country, and it is shameful.

In closing, I want to thank Chairman KOLBE for his hard work on this bill, and express my deep appreciation of this close working relationship we have enjoyed. I think it is clear from the bipartisan way in which this bill was written—from the very first day—that we both share a strong commitment to our Nation's foreign assistance programs, and that we both understand that foreign assistance, along with diplomacy and defense, is a pillar of U.S. national security strategy. Chairman KOLBE and his staff—John Shank, Alice Grant, Rodney Bent, Rob Blair, Lori Maes, and Sean Mulvancy—have been wonderful partners in this process.

And I would like to thank the minority staff—Mark Murray and Beth Tritter—for their work as well.

Mr. SHAYS. Mr. Speaker, protecting and preserving our environment is one of the most important jobs I have, but I don't think we as a Congress are doing very well at it.

The conference report before us today includes funding for hundreds of important and beneficial programs and projects. Unfortunately, it also contains provisions that will weaken several significant land and water protections.

When the House passed the Interior Appropriations Act in June, we included a pro-environmental provision that would block new roadbuilding in the Tongass National Forest. The amendment passed because environmentalists came together with fiscal conservatives to end a long-standing subsidy for the logging industry while protecting the rainforest. Doing so just made sense. I am disappointed that this important provision is absent from the conference report before us today.

What is included, however, is language that reduces judicial review on Tongass timber sales by placing a 30-day statute of limitations on challenging those sales in court, making it much more difficult for the public to participate in the process.

In addition, the conference report waives National Environmental Policy Act (NEPA) review of nearly 1,000 expiring Federal-lands grazing permits, which will further discourage agencies from complying with environmental laws and could lead to continued degradation of sensitive public lands.

While I intend to support this legislation, I want to reiterate my disappointment that this Congress has missed another opportunity to craft policy that is both fiscally and environmentally responsible. Congress can and must do a better job protecting our environment. We simply will not have a world to live in if we continue our neglectful ways.

Mr. WALSH. Mr. Speaker, as we conclude our work today on the omnibus fiscal year 2005 spending bills, I wanted to take a few moments to recognize publicly the work of our Appropriations chairman for the past six years, the Honorable BILL YOUNG of Florida. Like so many members here in the House I greatly admire and respect my friend BILL YOUNG. He is truly both a gentleman and leader of this body and his work as chairman can only be categorized as outstanding.

The Appropriations Committee must find ways to fund the many programs authorized by the committees of the Congress. It is an awesome and challenging job requiring a person of skilled leadership abilities to accomplish. Our chairman is such a person who in his own quiet but fair manner finds ways to solve the problems around here. The reason is that warmth, fairness and skill he brings with him every day in coming here to work.

I support the omnibus legislation, H.R. 4818, we have before us now. It is a tribute to Chairman YOUNG and his many talents that we are able to debate and pass this bill today.

Mr. DEFAZIO. Mr. Speaker, I rise today to explain my vote in favor of H.R. 4818, the massive omnibus appropriations act, which incorporates the nine unfinished spending bills into a single package.

I reluctantly supported this legislation. On the positive side, it includes millions of dollars I requested for important projects in southwest Oregon. For example, the bill includes $2 million for the North Bend Airport Air Traffic Control Tower; $475,000 for the Port of Brookings Harbor Boardwalk Expansion and $418,250 for the Port of Brookings Harbor Seafood Processing Plant; $60,000 for Coos and Curry County METH Reduction and $150,000 for Coos County Law Enforcement Technologies; $265,000 for the Benton County Health Services in Monroe for facilities and equipment; and $200,000 for the Springfield Public Schools, Schools Plus Program.

It provides a significant investment in our Nation's roads, bridges, and water infrastructure. For southwest Oregon, the bill includes $5 million for the Courthouse District Transportation Improvements in Eugene; $2 million for the Lane Transit District Bus and Bus Facilities; $3 million for the Coburg/I–5 Interchange Improvements; and Wastewater Improvement Funds, including $150,000 for Sweet Home, $300,000 for Coburg, and $250,000 for Coquille.

I am pleased the bill restores at least some funding for the dredging of small ports in my district, though more funding is needed. Despite the fact that these small ports are the economic lifeblood of coastal communities in my district, President Bush had proposed to zero out funding for these ports in his budget.

I was also pleased that H.R. 4818 boosts funding for veterans' health care by $1.9 billion over last year and by $1.2 billion above the level requested by the President. Though, as I will discuss in a minute, veterans need and deserve more.

And, I am pleased the bill falls within the spending cap set by the President. Our Nation cannot continue to run up hundreds of billions of dollars in debt every year. Reversing the dangerous accumulation of debt will require discipline on both spending and taxes.

While I supported the bill, I want to note for the record my disappointment with the inadequate funding levels in several important areas. These areas could have been funded at higher levels even within the spending cap

set by the President if lower priority items, such as the President's plan to send spacecraft to Mars or military and economic aid to dozens of countries, were reduced or eliminated.

For example, I am concerned that the bill cuts funding for the Small Business Administration by 19 percent below its current funding level. Small businesses are the primary employers and innovators in our economy. I cannot understand why the House Republican leadership elected to slash support for small businesses in this bill.

As I mentioned, while funding for veterans' health care was increased in this bill, I am concerned that the funding level still falls $1.3 billion below the level requested on a bipartisan basis by the House Committee on Veterans' Affairs.

I am disappointed that H.R. 4818 underfunds the education programs under the No Child Left Behind Act by $9.6 billion. Title I, Head Start, IDEA, and after-school programs, among others, are underfunded. Thousands of children will be left behind by the funding levels in this bill.

Older students won't make out much better. H.R. 4818 freezes the maximum award for Pell grants for the second year in a row, despite the fact that college tuition has risen 36 percent since 2001.

Finally, I think it is outrageous that the House Republican leadership stripped a variety of important provisions that were adopted on a bipartisan basis by the House and, in some cases, the Senate as well. For example, the House leadership cut a provision to protect overtime pay for millions of American workers. And, a provision to allow Americans to safely reimport cheaper drugs from overseas was eliminated at the behest of the pharmaceutical industry.

So, again, I will support this bill, but I will not do so enthusiastically.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today during this special Saturday session to discuss the omnibus appropriations we are now hurriedly trying to pass. While I commend the conferees and appropriators for completing the extraordinarily difficult task of agreeing to the language of this legislation pertaining to the nine appropriations, it is vitally important that all necessary programs are funded at the appropriate levels. This august body is nevertheless charged with the responsibility to prioritize in the most efficient manner possible and with the needs of the American people in mind. Each Member of this body comes from a district that has its own particular needs and requirements, and it is our sworn duty to ensure that our constituents are served.

As we all know, this omnibus bill is a mixed blessing because while many programs will receive greater funding, many others will lose the level of funding they received in previous years. Under the agriculture portion of this omnibus we are appropriating $85.3 billion. This number is $1.3 billion (1.5 percent less than the fiscal year 2004 level, which means that many valuable programs will face cuts or losses. But I also want to make note to the credit of the conferees that the funding level is $2.3 billion (4 percent more than the Bush administration's request and $2.1 billion (2 percent more than the original version that came from the House of Representatives.

Of that total, $68.3 billion (80% is mandatory spending for nutrition programs, such as food stamps and crop-support programs. There are two programs in particular that are of great value, both to my constituents and the Nation: the WIC program and the School Meals Program.

The omnibus has allocated $5.3 billion to the WIC program, which supports the Women, Infants and Children program. I am pleased to see that this is $665 million (14% more than the fiscal year 2004 level and $370 million (7.5 percent more than the original House bill.

The Special Supplemental Nutrition Program for Women, Infants, and Children, WIC, is a health and nutrition program with a successful record for improving the diet of infants, children, and pregnant, postpartum and breastfeeding women who are at risk for nutrition-related illness. The main focus of the WIC program is to educate mothers on the proper nutrition for babies and young children. The target population is low-income women who are pregnant, breastfeeding or have recently given birth, and children up to the age of 5.

This is a commonsense, simple approach to instill good nutrition into mothers and children at an early age. The purpose of WIC is to provide nutrition education and food assistance to those categories of people who have been found to be the most vulnerable to the effects of malnutrition and to achieve optimal nutritional status for children prior to starting school.

Income eligibility for WIC is at 185% of the poverty line, allowing women who can afford to take care of their children a unique opportunity to learn about nutrition and pass those skills and nutrients along to their child. This past year, in my State of Texas, there were 1,132,467 women who met the eligibility requirements of WIC. Out of that number, 80 percent, or 901,658 participated in the WIC program, demonstrating its huge success and appeal.

In my position as a legislator, I often hear criticism of government programs that don't instantly solve problems with taxpayer money. WIC is a direct benefit to mothers with young children, providing them with nutrition education, access to public health care system, (i.e., prenatal care, child health, family planning, immunizations) and supplemental nutritious foods. This combination is a positive cycle toward a lifetime of healthy living, which will continue to be passed on for generations. Having a community with healthy, immunized children is a public good.

The other program I want to address today is the school lunch program, which $11.8 billion is allocated to under the agriculture appropriations in the omnibus bill. Unfortunately, this is $364 million (3 percent less than the current level of funding. Again to be fair though this appropriation is $405 million (3.5% more than the President's request and $401 million (3.5% more than the House bill had originally offered.

According to the American School Food Service Association, both WIC and the school lunch program provide a link to literacy and support the Nation's educational goals. Teachers, parents, children and administrators can all attest how hard it is for a child to concentrate in a classroom on an empty stomach.

Schools have an important role to play in the development of healthy children. The school lunch program needs to be adequately funded so that all children who are with 185 percent of the poverty line can get a healthy, nutritious meal at school. Until we are able to do this, we cannot expect all children to learn and engage properly in a classroom.

The school lunch program doesn't just address those that are eating too little, but also those that indulge too much. The American School Food Service has stated that the most effective place to begin addressing overweight and obesity is by teaching children to make healthy life choices. Obesity has become a leading health problem in our Nation's schools. Childhood obesity rates have tripled over the past 20 years, resulting in children suffering from early onset of traditionally adult diseases such as hypertension, diabetes, and heart disease.

As reiterated by Dr. Susan Finn, chair of the American Council for Fitness and Nutrition, it is not a ''black list of foods'' that we must eliminate in children's diets to create a better balance, but teaching children to recognize health options and learn to enjoy them. The school lunch program gives our educational system a prime opportunity to do so.

I am proud to be here today to pass this bill, and ensure the success of these two programs. As chair of the Congressional Children's Caucus, I have always been committed to America's children. Our children are our Nation's greatest strength and resource. Marian Wright Edelman, president of the Children's Defense Fund said, ''If we don't stand up for children, then we don't stand for much.'' Today on this floor I want all of us to reaffirm our commitment to the welfare of all of America's children.

Transportation is a vital issue in my district in Houston as I know it is all throughout America. I am satisfied to know that this omnibus agreement provides a total of $58.9 billion in budgetary resources for the Transportation Department, $559 million (1 percent) more than current funding and $485 million (1 percent) more than originally requested. I am also satisfied that the amount in the conference agreement in $48.1 billion more than in the House-passed bill, because most of the $58.9 billion in transportation funding recommended by the House Appropriations Committee was removed by points of order during the debate and had now been restored.

As a body we must insist on proper funding for our long-term transportation needs because it is of such vital interest to our Nation. Investments in our Nation's surface transportation infrastructure create millions of family-wage jobs and billions of dollars of economic activity. Each $1 billion of Federal funds creates 47,500 jobs and $6.1 billion in economic activity. In addition, this investment in transportation infrastructure will increase business productivity by reducing the costs of producing goods in virtually all industrial sectors of the economy. Increased productivity results in increased demand for labor, capital, and raw materials and generally leads to lower product prices and increased sales.

Because so much is literally riding on transportation services for the 21st century we must insist on a balanced surface transportation program that serves the mobility needs of our country in a manner consistent with key democratic principles, including: economic growth, intermodalism, security, safety, continuity, equal opportunity, protecting our human and natural environment, rebuilding our transit and highway systems, encouraging alternative transportation, encouraging smart

growth, encouraging advanced technology solutions, and protecting the rights of workers in transportation industries. While I am satisfied with the current funding level I look forward to the day when we can pass a comprehensive and equitable transportation agreement that serves the 21st century transportation needs of the American people.

I want to spend some time discussing the appropriations made under the section covering the Veterans Affairs, VA, Housing and Urban Development, HUD, Independent Agencies appropriations bill. The conference agreement includes $93.5 billion in discretionary funding under this section, which is $2.7 billion (3 percent) more than the fiscal year 2004 discretionary level and $1.4 billion (1 percent) more than the administration's request. Unfortunately, not all the needs within this section were fulfilled and too many people will be left to feel this burden.

I am saddened to say that our Nation's housing programs were hardest hit by this omnibus. The agreement provides $37.3 billion for the Housing and Urban Development Department. Sadly, this total is a full $618 million less than the fiscal year 2004 level but thankfully $521 million more than the administration's pitiful request for housing. Every year our housing needs grow greater, not less; therefore, I find it implausible that our funding for housing programs would in fact go down. Too many people in my district in Houston and in fact throughout the country are in need of housing assistance, and now as we near the holidays we are prepared to leave these people out in the cold. I call for all in this body to make the commitment to housing because in many ways it is the backbone of the American family and our way of life.

Being from Houston, home of the Johnson Space Center, I am also very concerned by the level of funding given to NASA. The agreement provides $16.2 billion for the National Aeronautical and Space Administration, NASA, $822 million more than the fiscal year 2004 appropriation but a full $44 million less than the President's request. As a Nation, we must reaffirm our full commitment to science and space exploration. The discoveries made through NASA endeavors have many practical applications as well as helping us to answer questions about our past. Truly, our Nation would be less complete without the marvels and innovations that NASA has produced throughout its history. I also want to make note of the reduction in funding for the National Science Foundation, NSF, which under the agreement appropriates $5.5 billion, but is $62 million less than the fiscal year 2004 level and $278 million less than the President's request. Again, as a Nation we must strive to move forward, not backward in the areas of innovation and discovery. Our Nation's greatness was built on the hard work of its people, but it was also greatly aided by the work of our science community.

Another vital section of this omnibus is the one regarding Labor, Health and Human Services, HHS, and Education departments and related agencies. Truly the well being of so many Americans is affected by the funding levels set in these provisions. We owe it to our constituents young and old alike to ensure that their needs are addressed in this portion of the omnibus.

The economic prosperity of the 1990s fueled a drive to increase the levels of employment-based immigration. Both the Congress and the Federal Reserve Board expressed concern that a scarcity of labor could curtail the pace of economic growth. This resulted in an increase of the supply of foreign temporary professional workers through fiscal year 2003. The number of petitions approved for H–1B workers escalated in the late 1990s and peaked in fiscal year 2001 at 331,206 approvals. Since then, the H–1B annual numerical limit has reverted back to 65,000. That limit was reached on the first day of fiscal year 2005. The bill before us today includes provisions to address that problem. I want to thank Senator KENNEDY for his work on these provisions.

Before discussing these provisions, I want to emphasize that I believe American companies should hire American workers first. When they cannot meet their employment needs by hiring American workers, however, they should have access to foreign workers.

The H–1B provisions in this bill would exempt H–1B applicants with a masters or higher degree from a U.S. institution of higher education from the annual H–1B cap. This exemption would be limited to 20,000 per year. It also would strengthen labor protections under the H–1B program. It would reinstate and make permanent the attestation requirements for H–1B-dependent employers. Employers would be required to attest that they have not displaced a U.S. worker 90 days before or 90 days after the hiring of an H–1B worker. It would require an employer to pay 100 percent of the prevailing wage. Current law only requires 95 percent. It would require a governmental survey to determine the prevailing wage to provide at least four levels of wages commensurate with experience, education, and the level of supervision. Currently, only two wage levels are used.

I am pleased that we have provisions that would strengthen enforcement protections under the H1–B program. These provisions would authorize the Secretary of the Department of Labor, DOL, to conduct random investigations if the Secretary has reasonable cause to believe that an employer has committed a violation. It also would reinstate DOL's authority to investigate complaints alleging an employer's violation of the law.

We also have provisions that would increase H1–B visa fees from $1,000 to $1,500 for businesses with more than 25 employees. This would provide greatly needed additional funds for job training activities. It also would provide additional scholarships for computer science, technology, and science programs. I want to point out though that it is an empty victory if our American children are trained to do jobs and then are unable to find employment.

Finally, we obtained provisions that would provide needed strengthening of labor protections under the L Visa program to plug loopholes that are being used to bypass the cap restriction of the H1–B program. These provisions would prohibit the subcontracting of L–1 workers, and they would toughen eligibility restrictions by requiring L–1 workers to be continuously employed with the company for at least 1 year prior to obtaining an L visa.

While I am going to vote for this bill with these provisions in it, I remain concerned about the need to hire American workers first. We must work together to ensure that American companies make an effort to save American jobs for American workers. I received a letter from the American Engineering Association that I want to bring to your attention. According to the American Engineering Association, ''American tech workers are facing record unemployment and losing their jobs to outsourcing.'' The Association claims also that, ''Bringing in foreigners to take tech jobs undermines engineering as a profession and discourages young people from pursuing this path.''

As I look forward to the 109th Congress, I envision a new approach to immigration reform. Instead of piecemeal reforms of our broken immigration system, such as this fix for some of the problems in the H–1B and L visa programs, we need bipartisan, bicameral support for comprehensive immigration reform. Effective immigration reform must provide a certain path to legalization for workers from around the world who are already living and working in the United States; repeal and replace employer sanctions with stiffer penalties for employers who take advantage of workers' immigration status to exploit them and undermine labor protections for all workers; reform, not expand, temporary worker programs; and reform the permanent immigration system so that those who play by the rules are not penalized by unconscionably long waiting periods. I intend to pursue such reform in the 109th Congress by reintroducing my Comprehensive Immigration Fairness Act.

Health and Human Services Programs are essential to all Americans and indeed to our Nation as a whole. I am satisfied that this agreement appropriates a total of $375.3 billion for the Health and Human Services Department, including $304.5 billion in fiscal year 2005 appropriations, $68.1 billion in advance fiscal year 2006 appropriations, and $2.8 billion from trust funds. We can never allow the well being of the people to be short changed, especially when we are addressing their health care needs.

Unfortunately, I am less than satisfied and in fact disturbed by the lack of total funding for education programs. The agreement appropriates a total of $59.7 billion for the Education Department, including $44.6 billion in fiscal year 2005 funds, and $15 billion in advance fiscal year 2005 funds. The agreement's total for the Education Department is $1.4 billion (2 percent more than the fiscal year 2004 appropriation but $306 million less than the administration's request. Not fully funding our children's education, which in my mind is already dramatically underfunded, is troubling. Too many children fall through the cracks of our educational system every year and instead of finding ways to support them, we instead choose to ignore them once again. I will always fight for the children of my district and in fact for all the children of America because their future is tied to ours and our present actions do not bode well for our Nation.

Again, I will admit that in any large Appropriation measure many programs will be left underfunded because it is impossible to fund everything we desire. But that cannot become a defense against short changing our Nation's priorities such as education, housing, and transportation. We all bear a responsibility to our constituents to take the proper time and consider all the options to ensure that their most vital needs are being met. We as a body may not always agree, but we do stand together on the principle of protecting the welfare of the American people, and I for one will

stand in this Chamber for as long as is needed to ensure that honorable principle.

The fiscal year 2005 appropriations process was indeed a tough fight, but it is vitally important for Members to understand that portions of the tax revenue should be given back to the constituents. For Houston, TX, I am happy to report the following awards:

In the Labor, HHS portion of this bill, the Donald Watkins Memorial Foundation will receive $340,000. This is a 501(c)(3) nonprofit community-based organization established as a direct response to the rising number of persons living with HIV/AIDS, PLWHA.

The Houston Area Urban League will receive $300,000 to aid in its 35-years-old mission of assisting the poor and disenfranchised achieve social and economic equality with the Communities to Work program.

The Houston Independent School District will receive $770,000 to do its work in early-childhood education. These dollars will enable HISD to address the critical need of developing an infrastructure suitable for implementing and operating a program that will deliver an integrated continuum of services to young children and their families.

The Thurgood Marshall Scholarship will receive $400,000 to facilitate the following goals: developing student and faculty leadership; advancing the position of Public HBCUs by providing access to best practices in development and education; increasing technology, operations, communications and staff and student expertise; strengthening minority professional involvement with students in the areas of community service and career development; and targeting increased outreach activities of Public HBCUs historical service to disadvantaged students high school guidance counselors and students to assure that those in need are aware of and have access to the opportunities available at Public HBCUs.

The Center for Research on Minority Health at the University of Texas' M.D. Anderson Cancer Center will receive $500,000 to aid in the focus on cancer and other health issues that disproportionately affect ethnic minorities and the medically underserved. While the CRMH currently works with minority and underserved populations in the Houston area, its activities will ultimately serve as a model for other communities nationwide.

Mr. Speaker, because these projects as well as the others that I received in the Transportation and the VA, HUD portions of the bill have been so severely cut as a result of the Republican tax cut scheme, I vote ''yes'' on passage with great reluctance.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would remind all Members that it is improper under the House rules to refer to Senators in either a positive or negative fashion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2005

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 866, I call up the joint resolution (H.J. Res. 114) making continuing appropriations for the fiscal year 2005, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 114 is as follows:

H.J. RES. 114

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 108–309 is amended by striking the date specified in section 107(c) and inserting the following: ''December 3, 2004''.

The SPEAKER pro tempore. Pursuant to House Resolution 866, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us, H.J. Res. 114, which I have already referred to during the final discussion on the omnibus appropriations bill, will extend the current CR until December 3. And it is a straight, clean CR, strictly for the purpose of allowing the House and the other body to go through the administrative process of enrolling the legislation, of transmitting it to the President, giving the President some time to look at it closely before he signs the bill, and that is the extent of it.

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

Mr. OBEY. Mr. Speaker, no choice. I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Speaker HASTERT).

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Times like these, after we have been through a whole session of Congress and with our rules that after 6 years our chairman steps down, the gentleman that I have been through a lot of battles with, we have worked together on a lot of issues, trying to make sure that we meet the needs of the people of this country, the gentleman from Florida (Mr. YOUNG) has been an exemplary chairman. He has worked hard to make sure that all needs are met and sometimes in pretty tough situations. I think, by and large, he has been a person who has been able to reach across the aisle and work. That is a great personality plus. That is a great asset in this Chamber.

I think we all just want to say a heartfelt thank you for his service. He is going to be around here for a while. But as he steps down, this is his last bill as chairman, and from the bottom of our hearts, we want to thank him for his work and for his service and for making this institution part of what it is. I thank the gentleman and God bless him.

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

The SPEAKER pro tempore. All time for debate has expired.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4818, CONSOLIDATED APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 4818 on which further proceedings were postponed earlier today.

The Clerk read the title of the conference report.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 344, nays 51, answered ''present'' 1, not voting 37, as follows:

[Roll No. 542]

YEAS—344

Abercrombie	Capito	Evans
Aderholt	Capuano	Everett
Alexander	Cardin	Farr
Allen	Cardoza	Ferguson
Andrews	Carson (IN)	Foley
Baca	Carson (OK)	Forbes
Baker	Carter	Frank (MA)
Baldwin	Castle	Frelinghuysen
Barrett (SC)	Chandler	Frost
Barton (TX)	Chocola	Gallegly
Bass	Clay	Gerlach
Beauprez	Clyburn	Gilchrest
Becerra	Coble	Gingrey
Bell	Cole	Gonzalez
Berkley	Cooper	Goode
Berman	Cramer	Goodlatte
Berry	Crane	Gordon
Biggert	Crenshaw	Granger
Bilirakis	Crowley	Green (TX)
Bishop (GA)	Cubin	Greenwood
Bishop (NY)	Culberson	Gutierrez
Bishop (UT)	Cummings	Gutknecht
Blackburn	Cunningham	Hall
Blunt	Davis (AL)	Harman
Boehlert	Davis (CA)	Harris
Boehner	Davis (FL)	Hart
Bonilla	Davis (IL)	Hastert
Bonner	Davis (TN)	Hastings (FL)
Bono	Davis, Tom	Hastings (WA)
Boozman	DeFazio	Hayes
Boucher	DeLauro	Hayworth
Boyd	DeLay	Herger
Bradley (NH)	Diaz-Balart, L.	Herseth
Brady (PA)	Diaz-Balart, M.	Hill
Brady (TX)	Dicks	Hinchey
Brown (OH)	Doggett	Hinojosa
Brown (SC)	Dooley (CA)	Hoekstra
Brown, Corrine	Doolittle	Holden
Brown-Waite, Ginny	Doyle	Holt
Burgess	Dreier	Honda
Burns	Edwards	Hooley (OR)
Burton (IN)	Ehlers	Houghton
Butterfield	Emanuel	Hoyer
Buyer	Emerson	Hulshof
Calvert	Engel	Hunter
Camp	English	Hyde
Cantor	Eshoo	Isakson
	Etheridge	Israel

Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1604

Mr. AKIN and Mr. FORD changed their vote from ''yea'' to ''nay.''

Mr. HONDA, and Ms. LINDA T. SÁNCHEZ of California changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROTHMAN. Mr. Speaker, due to a family religious obligation, I will be absent from the House of Representatives on Friday, November 19, and any possible session on Saturday, November 20, 2004. Should H.R. 4818, the Foreign Operations Appropriations Conference Report, serving as the Omnibus vehicle, be considered, I would like the RECORD to reflect that I would have voted ''yes'' on this conference report.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I am unable to be in Washington, DC today. Two weeks ago, I injured my leg and my physician prefers that I not put it through the stress of an airplane flight from my home in Seattle, WA to Washington, DC. Were I able to attend today's session in the House of Representatives, I would have voted to defeat H.R. 4818, H. Res. 866, H.R. 5382, and H. Res. 846.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, had I been present for rollcall votes 538, 539, 540, 541, and 542, I would have voted the following:

Rollcall No. 538: ''Yea.'' (Waiving the requirement of clause 6(a) or Rule XIII with respect to the same day consideration of certain resolution).

Rollcall No. 539: ''Yea.'' (Recognizing the Boy Scouts of America).

Rollcall No. 540: ''Yea.'' (Waiving points of order against the conference report to accompany the Omnibus Spending Bill).

Rollcall No. 541: ''Yea.'' (Commercial Space Launch Amendments Act).

Rollcall No. 542: ''Yea.'' (On Agreeing to the Conference Report—Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2005—Omnibus Appropriations Bill).

PROVIDING FOR AN ADJOURNMENT OF THE TWO HOUSES

Mr. EHLERS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 529) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 529

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Saturday, November 20, 2004, it stand adjourned until 2 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Saturday, November 20, 2004, it stand recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday, December 7, 2004, or until such other time on either of those days as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO WEDNESDAY, NOVEMBER 24, 2004

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Wednesday, November 24, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2004

Mr. EHLERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3014) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. RANGEL. Mr. Speaker, reserving the right to object, I will not object.

Mr. Speaker, as we close this session, it just seems to me that there are a lot of things that we could have done that we have not done. One is the Virgin Islands bill which clearly came from the Senate. We had no hearings at all on the subject matter. It will adversely affect the economy of the Virgin Islands. We never had an opportunity to discuss it at all in the House. I think it is just

wrong for Members not to be able to recognize that we should have a responsibility to at least discuss this issue.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3014

TITLE I—HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2004

SEC. 101. SHORT TITLE.

This title may be cited as the ''Harmful Algal Bloom and Hypoxia Amendments Act of 2004''.

SEC. 102. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e). In developing the assessments, reports, and plans under the amendments made by this title, the Task Force shall consult with the coastal States, Indian tribes, local governments, appropriate industries (including fisheries, agriculture, and fertilizer), academic institutions, and nongovernmental organizations with expertise in coastal zone science and management.

SEC. 103. PREDICTION AND RESPONSE REPORT.

Section 603 of such Act, as amended by section 102, is further amended by adding at the end the following:

''(d) REPORT TO CONGRESS ON HARMFUL ALGAL BLOOM IMPACTS.—

''(1) DEVELOPMENT.—Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004, the President, in consultation with the chief executive officers of the States, shall develop and submit to the Congress a report that describes and evaluates the effectiveness of measures described in paragraph (2) that may be utilized to protect environmental and public health from impacts of harmful algal blooms. In developing the report, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, appropriate industries (including fisheries, agriculture, and fertilizer), academic institutions, and nongovernmental organizations with expertise in coastal zone science and management, and also consider the scientific assessments developed under this Act.

''(2) REQUIREMENTS.—The report shall—

''(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for their development;

''(B) identify innovative research and development methods for the prevention, control, and mitigation of harmful algal blooms and provisions for their development; and

''(C) include incentive-based partnership approaches regarding subparagraphs (A) and (B) where practicable.

''(3) PUBLICATION AND OPPORTUNITY FOR COMMENT.—At least 90 days before submitting the report to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

''(4) FEDERAL ASSISTANCE.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments regarding the measures described in paragraph (2), as requested.''.

SEC. 104. LOCAL AND REGIONAL SCIENTIFIC ASSESSMENTS.

Section 603 of such Act, as amended by section 103, is further amended by adding at the end the following:

''(e) LOCAL AND REGIONAL SCIENTIFIC ASSESSMENTS.—

''(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Task Force and appropriate State, Indian tribe, and local governments, to the extent of funds available, shall provide for local and regional scientific assessments of hypoxia and harmful algal blooms, as requested by States, Indian tribes, and local governments, or for affected areas as identified by the Secretary. If the Secretary receives multiple requests, the Secretary shall ensure, to the extent practicable, that assessments under this subsection cover geographically and ecologically diverse locations with significant ecological and economic impacts from hypoxia or harmful algal blooms. The Secretary shall establish a procedure for reviewing requests for local and regional assessments. The Secretary shall ensure, through consultation with Sea Grant Programs, that the findings of the assessments are communicated to the appropriate State, Indian tribe, and local governments, and to the general public.

''(2) PURPOSE.—Local and regional assessments shall examine—

''(A) the causes and ecological consequences, and the economic cost, of hypoxia or harmful algal blooms in that area;

''(B) potential methods to prevent, control, and mitigate hypoxia or harmful algal blooms in that area and the potential ecological and economic costs and benefits of such methods; and

''(C) other topics the Task Force considers appropriate.

''(f) SCIENTIFIC ASSESSMENT OF FRESHWATER HARMFUL ALGAL BLOOMS.—(1) Not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 the Task Force shall complete and submit to Congress a scientific assessment of current knowledge about harmful algal blooms in freshwater, such as the Great Lakes and upper reaches of estuaries, including a research plan for coordinating Federal efforts to better understand freshwater harmful algal blooms.

''(2) The freshwater harmful algal bloom scientific assessment shall—

''(A) examine the causes and ecological consequences, and the economic costs, of harmful algal blooms with significant effects on freshwater, including estimations of the frequency and occurrence of significant events;

''(B) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research program, as part of the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, to better understand the causes, characteristics, and impacts of harmful algal blooms in freshwater locations; and

''(C) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms in freshwater locations.

''(g) SCIENTIFIC ASSESSMENTS OF HYPOXIA.—(1) Not less than once every 5 years the Task Force shall complete and submit to the Congress a scientific assessment of hypoxia in United States coastal waters including the Great Lakes. The first such assessment shall be completed not less than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004.

''(2) The assessments under this subsection shall—

''(A) examine the causes and ecological consequences, and the economic costs, of hypoxia;

''(B) describe the potential ecological and economic costs and benefits of possible policy and management actions for preventing, controlling, and mitigating hypoxia;

''(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of hypoxia, including recommendations of how to eliminate significant gaps in hypoxia modeling and monitoring data; and

''(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on hypoxia.

''(h) SCIENTIFIC ASSESSMENTS OF HARMFUL ALGAL BLOOMS.—(1) Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters. The first such assessment shall be completed not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 and shall consider only marine harmful algal blooms. All subsequent assessments shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries.

''(2) The assessments under this subsection shall—

''(A) examine the causes and ecological consequences, and economic costs, of harmful algal blooms;

''(B) describe the potential ecological and economic costs and benefits of possible actions for preventing, controlling, and mitigating harmful algal blooms;

''(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of harmful algal blooms; and

''(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms.

''(i) NATIONAL SCIENTIFIC RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TECHNOLOGY TRANSFER PLAN ON REDUCING IMPACTS FROM HARMFUL ALGAL BLOOMS.—(1) Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004, the Task Force shall develop and submit to Congress a plan providing for a comprehensive and coordinated national research program to develop and demonstrate prevention, control, and mitigation methods to reduce the impacts of harmful algal blooms on coastal ecosystems (including the Great Lakes), public health, and the economy.

''(2) The plan shall—

''(A) establish priorities and guidelines for a competitive, peer reviewed, merit based interagency research, development, demonstration, and technology transfer program on methods for the prevention, control, and mitigation of harmful algal blooms;

''(B) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to the actions described in paragraph (1); and

''(C) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian Pacific Americans, and other underrepresented populations.

''(3) The Secretary of Commerce, in conjunction with other appropriate Federal agencies, shall establish a research, development, demonstration, and technology transfer program that meets the priorities and

guidelines established under paragraph (2)(A). The Secretary shall ensure, through consultation with Sea Grant Programs, that the results and findings of the program are communicated to State, Indian tribe, and local governments, and to the general public.''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended—

(1) by striking ''and'' after ''2000,'' in the first sentence and in the paragraphs (1), (2), (3), and (5);

(2) by inserting ''$23,500,000 for fiscal year 2005, $24,500,000 for fiscal year 2006, $25,000,000 for fiscal year 2007, and $25,500,000 for fiscal year 2008,'' after ''2001,'' in the first sentence;

(3) by inserting '', and $2,500,000 for each of fiscal years 2005 through 2008'' after ''2001'' in paragraph (1);

(4) by inserting '', and $6,500,000, of which $1,000,000 shall be used for the research program described in section 603(f)(2)(B), for each of fiscal years 2005 through 2008'' after ''2001'' in paragraph (2);

(5) by striking ''2001'' in paragraph (3) and inserting ''2001, and $3,000,000 for each of fiscal years 2005 through 2008'';

(6) by striking ''blooms;'' in paragraph (3) and inserting ''blooms and to carry out section 603(d);'';

(7) by striking ''and 2001'' in paragraph (4) and inserting ''2001, and $6,000,000 for each of fiscal years 2005 through 2008'';

(8) by striking ''and'' after the semicolon in paragraph (4);

(9) by striking ''2001'' in paragraph (5) and inserting ''2001, $4,000,000 for fiscal year 2005, $5,000,000 for fiscal year 2006, $5,500,000 for fiscal year 2007, and $6,000,000 for fiscal year 2008'';

(10) by striking ''Administration.'' in paragraph (5) and inserting ''Administration; and''; and

(11) by adding at the end the following:

''(6) $1,500,000 for each of fiscal years 2005 through 2008 to carry out section 603(e).''.

TITLE II—MISCELLANEOUS

SEC. 201. AVAILABILITY OF NOAA REAL PROPERTY ON VIRGINIA KEY, FLORIDA.

(a) IN GENERAL.—The Secretary of Commerce may make available to the University of Miami real property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for development by the University of a Marine Life Science Center.

(b) MANNER OF AVAILABILITY.—The Secretary may make property available under this section by easement, lease, license, or long-term agreement with the University.

(c) AUTHORIZED USES BY UNIVERSITY.—

(1) IN GENERAL.—Property made available under this section may be used by the University (subject to paragraph (2)) to develop and operate facilities for multidisciplinary environmental and fisheries research, assessment, management, and educational activities.

(2) AGREEMENT.—Property made available under this section may not be used by the University (including any affiliate of the University) except in accordance with an agreement with the Secretary that—

(A) specifies—

(i) the conditions for non-Federal use of the property; and

(ii) the retained Federal interests in the property, including interests in access to and egress from the property by Federal personnel and preservation of existing rights-of-way;

(B) establishes conditions for joint occupancy of buildings and other facilities on the property by the University and Federal agencies; and

(C) includes provisions that ensure—

(i) that there is no diminishment of existing National Oceanic and Atmospheric Administration programs and services at Virginia Key; and

(ii) the availability of the property for planning, development, and construction of future Federal buildings and facilities.

(3) TERMINATION OF AVAILABILITY.—The availability of property under this section shall terminate immediately upon use of the property by the University—

(A) for any purpose other than as described in paragraph (1); or

(B) in violation of the agreement under paragraph (2).

(d) USE OF FACILITIES BY SECRETARY.—The Secretary may—

(1) subject to the availability of funding, enter into an agreement to occupy facilities constructed by the University on property made available under this section; and

(2) participate with the University in collaborative research at, or administered through, such facilities.

(e) NO CONVEYANCE OF TITLE.—This section shall not be construed to convey or authorize conveyance of any interest of the United States in title to property made available under this section.

SEC. 202. CONVEYANCE OF NOAA VESSEL WHITING.

(a) IN GENERAL.—The Secretary of Commerce shall convey to the Government of Mexico, without consideration, all right, title, and interest of the United States in and to the National Oceanic and Atmospheric Administration vessel WHITING—

(1) for use as a hydrographic survey platform in support of activities of the United States-Mexico Charting Advisors Committee; and

(2) to enhance coordination and cooperation between the United States and Mexico regarding hydrographic surveying and nautical charting activities in the border waters of both countries in the Gulf of Mexico and in the Pacific Ocean.

(b) OPERATION AND MAINTENANCE.—The Government of the United States shall not be responsible or liable for any remediation, maintenance, or operation of a vessel conveyed under this section after the date of the delivery of the vessel to the Government of Mexico.

(c) DEADLINE.—The Secretary shall seek to complete the conveyance by as soon as practicable after the date of the enactment of this Act.

(d) DELIVERY OF VESSEL.—The Secretary shall deliver the vessel WHITING pursuant to this section at the vessel's homeport location of Norfolk, Virginia, at no additional cost to the United States.

Mr. EHLERS. Mr. Speaker, I rise in strong support of the final version of the Harmful Algal Bloom and Hypoxia Amendments Act. This bill represents the final negotiated compromise between the House and Senate earlier versions of this bill.

Harmful algal blooms, also known as HABs, and hypoxia, are serious problems in coastal communications nationwide. This bill supports basic and applied research that will lead to new methods to predict, control and respond to HABs and hypoxia. I am especially pleased that we added the Great Lakes to the research categories in the bill.

I thank my colleague from Maryland, WAYNE GILCHREST of the Resources Committee, for his help in guiding this bill through the process. I also want to thank my Senate Colleagues, Senator MCCAIN, Senator SNOWE, Senator BREAUX and Senator VOINOVICH for their leadership on this issue. And finally, I thank my colleagues on the Science Committee, including Chairman BOEHLERT, and my friend from Washington, Mr. BAIRD who have provided useful input. I appreciate all of their help in reaching an agreement on this important bill.

The language before us today reflects a bipartisan, bicameral agreement and I urge all of my colleagues to support the Harmful Algal Bloom and Hypoxia Amendments Act. I reserve the balance of my time.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3014.

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

There was no objection.

MICROENTERPRISE RESULTS AND ACCOUNTABILITY ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3818) to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. RANGEL. Mr. Speaker, reserving the right to object, I will not object, but I just want to point out that the people in Haiti are suffering. We have this small trade bill that we wanted so badly to send some hope to these people. The House would not consider it because the Senate did not agree that they would accept it. The Senate said they could not accept what they have not seen, and here we leave today telling the people in Haiti that this small bill that certainly could not have hurt anybody in the textile industries here, could not offend the labors even though there was objection, but we were too busy to do this in the House.

Mr. Speaker, I will be fighting next year for the people in Haiti.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3818

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 ''Microenterprise Results and Accountability Act of 2004''.

SEC. 2. FINDINGS AND POLICY.

Congress finds and declares the following:

(1) Congress has demonstrated its support for microenterprise development assistance programs through the enactment of two comprehensive microenterprise laws:

(A) The Microenterprise for Self-Reliance Act of 2000 (title I of Public Law 106–309; 114 Stat. 1082).

(B) Public Law 108–31 (an Act entitled ''An Act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance program under those Acts, and for other purposes'', approved June 17, 2003).

(2) The United States Agency for International Development, the agency responsible for implementing microenterprise development assistance programs authorized under sections 108 and 131 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f and 2152a), is not presently organized to adequately coordinate, implement, and monitor such programs, as evidenced by the late submission by the Agency of the report required by section 108 of the Microenterprise for Self-Reliance Act of 2000.

(3) The Comptroller General, in a report dated November 2003, found that the United States Agency for International Development has met some, but not all, of the key objectives of such microenterprise development assistance programs.

(4) The Comptroller General's report found, among other things, the following:

(A) Microenterprise development assistance generally can help alleviate some impacts of poverty, improve income levels and quality of life for borrowers and provide poor individuals, workers, and their families with an important coping mechanism.

(B) Although studies and academic analyses funded by the United States Agency for International Development have found that microenterprise activities generally serve the poor clustered around the poverty line, few loans appear to be reaching the very poor.

(C) Microenterprise development assistance programs of the United States Agency for International Development have encouraged women's participation in microfinance projects and, according to data of the Agency, women have comprised two-thirds or more of the micro-loan clients in Agency-funded microenterprise projects since 1997.

(5)(A) The Comptroller General's report recommends that the Administrator of the United States Agency for International Development review the Agency's ''microenterprise results reporting'' system with the goal of ensuring that its annual reporting is complete and accurate.

(B) Specifically, the Administrator should review and reconsider the methodologies used for the collection, analysis, and reporting of data on annual spending targets, outreach to the very poor, sustainability of microfinance institutions, and the contribution of Agency's funding to the institutions it supports.

SEC. 3. MICROENTERPRISE DEVELOPMENT ASSISTANCE.

Chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2166 et seq.) is amended by inserting after title V the following new title:

''TITLE VI—MICROENTERPRISE DEVELOPMENT ASSISTANCE

''SEC. 251. FINDINGS AND POLICY.

''Congress finds and declares the following:

''(1) Access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems.

''(2) It is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries.

''(3) Access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial services.

''(4) Given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.

''(5) Microenteprise programs have been successful and should continue to empower vulnerable women in the developing world. Such programs should take into account the risks faced by women who are potential victims of severe forms of trafficking and the need for assistance for women who become victims of severe forms of trafficking, as provided for in section 106(a)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(a)(1); Public Law 106–386).

''(6) Given that microenterprise programs have been successful in empowering disenfranchised groups such as women, microenterprise programs should also target populations disenfranchised due to race or ethnicity in countries where a strong relationship between poverty and race or ethnicity has been demonstrated, such as countries in Latin America.

''SEC. 252. AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.

''(a) AUTHORIZATION.—The President is authorized to provide assistance on a grant basis for programs in developing countries to increase the availability of credit, savings, and other services to microenterprises lacking full access to capital, training, technical assistance, and business development services, through—

''(1) grants to microfinance institutions for the purpose of expanding the availability of credit, savings, and other financial services to microentreprise clients;

''(2) grants to microenterprise institutions for the purpose of training, technical assistance, and business development services for microenterprises to enable them to make better use of credit, to better manage their enterprises, to conduct market analysis and product development for expanding domestic and international sales, particularly to United States markets, and to increase their income and build their assets;

''(3) capacity-building for microenterprise institutions in order to enable them to better meet the credit, savings, and training needs of microentreprise clients; and

''(4) policy and regulatory programs at the country level that improve the environment for microentreprise clients and microenterprise institutions that serve the poor and very poor.

''(b) IMPLEMENTATION.—

''(1) OFFICE OF MICROENTERPRISE DEVELOPMENT.—

''(A) ESTABLISHMENT.—There is established within the Agency an Office of Microenterprise Development, which shall be headed by a Director who shall be appointed by the Administrator and who should possess technical expertise and ability to offer leadership in the field of microenterprise development.

''(B) DUTIES.—The Office shall coordinate and be responsible for the provision of assistance under this title.

''(2) ASSISTANCE THROUGH GRANTS TO ELIGIBLE ORGANIZATIONS.—Assistance under subsection (a) shall be provided through grants executed, approved, or reviewed by the Office to eligible implementing partner organizations that have a capacity to develop and implement microenterprise programs.

''(3) REVIEW AND APPROVAL.—With respect to assistance under subsection (a) that is furnished through field missions of the Agency, the Office shall be responsible for—

''(A) reviewing or approving each grant agreement prior to obligation of funds under the agreement in order to ensure that activities to be carried out using such funds are efficacious, technically sound, and suitable for the economic and security climate of the country or region where the activities will be conducted; and

''(B) approving microenterprise development components of strategic plans of missions, bureaus, and offices of the Agency.

''(c) TARGETED ASSISTANCE.—In carrying out sustainable poverty-focused programs under subsection (a), 50 percent of all microenterprise resources shall be targeted to very poor clients, defined as those individuals living in the bottom 50 percent below the poverty line as established by the national government of the country. Specifically, such resources shall be used for—

''(1) support of programs under this section through practitioner institutions that—

''(A) provide credit and other financial services to clients who are very poor, with loans in 1995 United States dollars of—

''(i) $1,000 or less in the Europe and Eurasia region;

''(ii) $400 or less in the Latin America region; and

''(iii) $300 or less in the rest of the world; and

''(B) can cover their costs in a reasonable time period; or

''(2) demand-driven business development programs that achieve reasonable cost recovery that are provided to clients holding poverty loans (as defined by the regional poverty loan limitations in paragraph (1)(A)), whether they are provided by microfinance institutions or by specialized business development services providers.

''(d) SUPPORT FOR CENTRAL MECHANISMS.—The Administrator should increase the use of central mechanisms through microenterprise, microfinance, and practitioner institutions in the implementation of this title.

''SEC. 253. MONITORING SYSTEM.

''(a) ESTABLISHMENT.—In order to maximize the sustainable development impact of assistance authorized under section 252(a), the Administrator of the Agency, acting through the Director of the Office, shall establish a monitoring system that meets the requirements of subsection (b).

''(b) REQUIREMENTS.—The requirements referred to in subsection (a) are the following:

''(1) The monitoring system establishes performance goals for the assistance and expresses such goals in an objective and quantifiable form, to the extent feasible.

''(2) The monitoring system establishes performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (1) and the objectives of the assistance authorized under section 252.

''(3) The monitoring system provides a basis for recommendations for adjustments to the assistance to enhance the sustainability and the impact of the assistance, particularly the impact of such assistance on the very poor, particularly poor women.

''(4) The monitoring system adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive adequate access to microenterprise loans, savings, and assistance.

''SEC. 254. DEVELOPMENT AND CERTIFICATION OF POVERTY MEASUREMENT METHODS; APPLICATION OF METHODS.

''(a) DEVELOPMENT AND CERTIFICATION.—

''(1) IN GENERAL.—The Administrator of the Agency, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for eligible implementing partner organizations to use to assess the poverty levels of their current or prospective clients. The Administrator shall develop poverty indicators that correlate with the circumstances of the very poor.

''(2) FIELD TESTING.—The Administrator shall field-test the methods developed under paragraph (1). As part of the testing, institutions and programs may use the methods on a voluntary basis to demonstrate their ability to reach the very poor.

''(3) CERTIFICATION.—Not later than October 1, 2004, the Administrator shall, from among the

low-cost poverty measurement methods developed under paragraph (1), certify no fewer than two such methods as approved methods for measuring the poverty levels of current or prospective clients of microenterprise institutions for purposes of assistance under section 252.

''(b) APPLICATION.—The Administrator shall require that, with reasonable exceptions, all eligible implementing partner organizations applying for microenterprise assistance under this title use one of the certified methods, beginning not later than October 1, 2005, to determine and report the poverty levels of current or prospective clients.

''SEC. 255. AUTHORIZATION OF APPROPRIATIONS; ADDITIONAL AUTHORITIES.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out this subtitle $200,000,000 for fiscal year 2005 and such sums as may be necessary for fiscal year 2006.

''(b) ADDITIONAL AUTHORITIES.—(1) Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

''(A) may be referred to as the 'Microenterprise Development Assistance Account';

''(B) shall be allocated to the Office, and upon approval by the Director of the Office, may be reallocated to field missions of the Agency in furtherance of the purposes of this title;

''(C) are authorized to remain available until expended; and

''(D) are in addition to amounts otherwise available for such purposes.

''(2) Notwithstanding any other provision of law, amounts made available for assistance for microenterprise development assistance under any provision of law other than this title may be provided to further the purposes of this title. To the extent assistance described in the preceding sentence is provided in accordance with such sentence, the Administrator of the Agency shall include, as part of the report required under section 258, a detailed description of such assistance and, to the extent applicable, the information required by paragraphs (1) through (10) of subsection (b) of such section with respect to such assistance.''.

SEC. 4. MICROENTERPRISE DEVELOPMENT CREDITS.

(a) TRANSFER.—Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 255 of the Foreign Assistance Act of 1961.

(b) REDESIGNATION.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 108 (as added by subsection (a)) as section 256.

(c) CONFORMING AMENDMENTS.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after the title heading the following:

''Subtitle A—Grant Assistance'';

(2) by inserting after section 255 the following:

''Subtitle B—Credit Assistance''; and

(3) in section 256 (as redesignated by subsection (b))—

(A) in the matter preceding paragraph (1) of subsection (c), by striking ''Administrator of the agency primarily responsible for administering this part'' and inserting ''Administrator of the Agency''; and

(B) in subsection (f)(1)—

(i) by striking ''section 131'' and inserting ''this part''; and

(ii) by striking ''2001 through 2004'' and inserting ''2005 and 2006''.

SEC. 5. UNITED STATES MICROFINANCE LOAN FACILITY.

(a) TRANSFER.—Section 132 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152b) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 256 of the Foreign Assistance Act of 1961 (as added by section 4 of this Act).

(b) REDESIGNATION.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 132 (as added by subsection (a)) as section 257.

(c) CONFORMING AMENDMENTS.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after section 256 the following:

''Subtitle C—United States Microfinance Loan Facility''; and

(2) in section 257 (as redesignated by subsection (b))—

(A) in subsection (b)(3), by striking ''2001 and 2002'' and inserting ''2005 and 2006'';

(B) in the matter preceding subparagraph (A) of subsection (d)(1), by striking ''the fiscal year 2001'' and inserting ''each of the fiscal years 2005 and 2006''; and

(C) by striking subsection (e).

SEC. 6. MISCELLANEOUS PROVISIONS.

Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (as added by section 3 of this Act and amended by sections 4 and 5 of this Act) is further amended by adding at the end the following new subtitle:

''Subtitle D—Miscellaneous Provisions

''SEC. 258. REPORT.

''(a) IN GENERAL.—Not later than December 31, 2005, and each December 31 thereafter, the Administrator of the Agency shall submit to the appropriate congressional committees a report that contains a detailed description of the implementation of this title for the previous fiscal year.

''(b) CONTENTS.—The report shall contain the following:

''(1) The number of grants provided under section 252, with a listing of—

''(A) the amount of each grant;

''(B) the name of each implementing partner organization; and

''(C) a listing of the number of countries receiving assistance authorized by sections 252.

''(2) The results of the monitoring system required under section 253.

''(3) The process of developing and applying poverty assessment procedures required under section 254.

''(4) The percentage of assistance furnished under section 252 that was allocated to the very poor based on the data collected using the certified methods required by section 254.

''(5) The absolute number of the very poor reached with assistance furnished under section 252.

''(6) The amount of assistance provided under section 252 through central mechanisms.

''(7) The name of each country that receives assistance under section 256 and the amount of such assistance.

''(8) An estimate of the percentage of beneficiaries of assistance under this title who are women, including, to the extent practicable, the percentage of these women who have been victims of sex trafficking, as well as information on efforts to provide assistance under this title to women who have been victims of severe forms of trafficking or who were previously involved in prostitution.

''(9) Any additional information relating to the provision of assistance authorized by this title, including the use of the poverty measurement tools required by section 254, or additional information on assistance provided by the United States to support microenterprise development under this title or any other provision of law.

''(10) An estimate of the percentage of beneficiaries of assistance under this title in countries where a strong relationship between poverty and race or ethnicity has been demonstrated.

''(c) LIMITATION.—The content of the report required by this section shall be produced by the Office established under section 252(b)(1), and shall be made available for free electronic distribution through such Office.

''SEC. 259. DEFINITIONS.

'' In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Agency.

''(2) AGENCY.—The term 'Agency' means the United States Agency for International Development.

''(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(4) BUSINESS DEVELOPMENT SERVICES.—The term 'business development services' means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other related services.

''(5) DIRECTOR.—The term 'Director' means the Director of the Office.

''(6) ELIGIBLE IMPLEMENTING PARTNER ORGANIZATION.—The term 'eligible implementing partner organization' means an entity eligible to receive assistance under this title which is—

''(A) a United States or an indigenous private voluntary organization;

''(B) a United States or an indigenous credit union;

''(C) a United States or an indigenous cooperative organization;

''(D) an indigenous governmental or nongovernmental organization;

''(E) a microenterprise institution;

''(F) a microfinance institution; or

''(G) a practitioner institution.

''(7) MICROENTERPRISE INSTITUTION.—The term 'microenterprise institution' means a not-for-profit entity that provides services, including microfinance, training, or business development services, for microentreprise clients in foreign countries.

''(8) MICROFINANCE INSTITUTION.—The term 'microfinance institution' means a not-for-profit entity or a regulated financial intermediary that directly provides, or works to expand, the availability of credit, savings, and other financial services to microentreprise clients in foreign countries.

''(9) MICROFINANCE NETWORK.—The term 'microfinance network' means an affiliated group of practitioner institutions that provides services to its members, including financing, technical assistance, and accreditation, for the purpose of promoting the financial sustainability and societal impact of microenterprise assistance.

''(10) OFFICE.—The term 'Office' means the Office of Microenterprise Development established under section 252(b)(1).

''(11) PRACTITIONER INSTITUTION.—The term 'practitioner institution' means a not-for-profit entity or a regulated financial intermediary, including a microfinance network, that provides services, including microfinance, training, or business development services, for microentreprise clients, or provides assistance to microenterprise institutions in foreign countries.

''(12) PRIVATE VOLUNTARY ORGANIZATION.—The term 'private voluntary organization' means a not-for-profit entity that—

''(A) engages in and supports activities of an economic or social development or humanitarian nature for citizens in foreign countries; and

''(B) is incorporated as such under the laws of the United States, including any of its states, territories or the District of Columbia, or of a foreign country.

''(13) UNITED STATES-SUPPORTED MICROFINANCE INSTITUTION.—The term 'United States-

supported microfinance institution' means a financial intermediary that has received funds made available under this part for fiscal year 1980 or any subsequent fiscal year.

''(14) VERY POOR.—The term 'very poor' means those individuals—

''(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

''(B) living on less than the equivalent of $1 per day.''.

SEC. 7. REPEALS.

(a) FOREIGN ASSISTANCE ACT OF 1961.—Section 131 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a) is hereby repealed.

(b) PUBLIC LAW 108–31.—

(1) IN GENERAL.—Section 4 of Public Law 108–31 (22 U.S.C. 2151f note) is amended by striking subsection (b).

(2) CONFORMING AMENDMENT.—Section 4 of Public Law 108–31 is amended by striking ''(a)'' and all that follows through ''Not later'' and inserting ''Not later''.

SEC. 8. REFERENCES.

Any reference in a law, regulation, agreement, or other document of the United States to section 108, 131, or 132 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to subtitle B of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, subtitle A of title VI of chapter 2 of part I of such Act, or subtitle C of title VI of chapter 2 of part I of such Act, respectively.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Speaker, I offer an amendment in the nature of a substitute in lieu of the amendment reported by the Committee on International Relations.

The SPEAKER pro tempore. The Clerk will report the amendment in lieu of the committee amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SMITH of New Jersey:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Microenterprise Results and Accountability Act of 2004''.

SEC. 2. FINDINGS AND POLICY.

Congress finds and declares the following:

(1) Congress has demonstrated its support for microenterprise development assistance programs through the enactment of two comprehensive microenterprise laws:

(A) The Microenterprise for Self-Reliance Act of 2000 (title I of Public Law 106–309; 114 Stat. 1082).

(B) Public Law 108–31 (an Act entitled ''An Act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance program under those Acts, and for other purposes'', approved June 17, 2003).

(2) The report on the effectiveness of the United States Agency for International Development's microfinance program, prepared by the Consultative Group to Assist the Poor, rated the Agency in the top tier of the 17 donors in this field.

(3) The Comptroller General, in a report dated November 2003, found that the United States Agency for International Development has met some, but not all, of the key objectives of such microenterprise development assistance programs.

(4) The Comptroller General's report found, among other things, the following:

(A) Microenterprise development assistance generally can help alleviate some impacts of poverty, improve income levels and quality of life for borrowers and provide poor individuals, workers, and their families with an important coping mechanism.

(B) Microenterprise development assistance programs of the United States Agency for International Development have encouraged women's participation in microfinance projects and, according to data of the Agency, women have comprised two-thirds or more of the micro-loan clients in Agency-funded microenterprise projects since 1997.

(5)(A) The Comptroller General's report recommends that the Administrator of the United States Agency for International Development review the Agency's ''microenterprise results reporting'' system with the goal of ensuring that its annual reporting is complete and accurate.

(B) Specifically, the Administrator should review and reconsider the methodologies used for the collection, analysis, and reporting of data on annual spending targets, outreach to the very poor, sustainability of microfinance institutions, and the contribution of Agency's funding to the institutions it supports.

SEC. 3. MICROENTERPRISE DEVELOPMENT ASSISTANCE.

Chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2166 et seq.) is amended by inserting after title V the following new title:

''TITLE VI—MICROENTERPRISE DEVELOPMENT ASSISTANCE

''SEC. 251. FINDINGS AND POLICY.

''Congress finds and declares the following:

''(1) Access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems.

''(2) It is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries.

''(3) Access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial services.

''(4) Given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.

''(5) Microenterprise programs have been successful and should continue to empower vulnerable women in the developing world. The Agency should work to ensure that recipients of microenterprise and microfinance development assistance under this title communicate and work with nongovernmental organizations and government organizations to identify and assist victims of trafficking as provided for in section 106(a)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(a)(1); Public Law 106–386) and women who are victims of or susceptible to other forms of exploitation and violence.

''(6) Given that microenterprise programs have been successful in empowering disenfranchised groups such as women, microenterprise programs should also target populations disenfranchised due to race or ethnicity in countries where a strong relationship between poverty and race or ethnicity has been demonstrated, such as countries in Latin America.

''SEC. 252. AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.

''(a) AUTHORIZATION.—The President is authorized to provide assistance on a non-reimbursable basis for programs in developing countries to increase the availability of credit, savings, and other services to microfinance and microenterprise clients lacking full access to capital, training, technical assistance, and business development services, through—

''(1) assistance for the purpose of expanding the availability of credit, savings, and other financial and non-financial services to microfinance and microenterprise clients;

''(2) assistance for the purpose of training, technical assistance, and business development services for microenterprises to enable them to make better use of credit, to better manage their enterprises, to conduct market analysis and product development for expanding domestic and international sales, particularly to United States markets, and to increase their income and build their assets;

''(3) capacity-building for microfinance and microenterprise institutions in order to enable them to better meet the credit, savings, and training needs of microfinance and microenterprise clients; and

''(4) policy, regulatory programs, and research at the country level that improve the environment for microfinance and microenterprise clients and institutions that serve the poor and very poor.

''(b) IMPLEMENTATION.—

''(1) OFFICE OF MICROENTERPRISE DEVELOPMENT.—There is established within the Agency an office of microenterprise development, which shall be headed by a Director who shall be appointed by the Administrator and who should possess technical expertise and ability to offer leadership in the field of microenterprise development.

''(2) ADDITIONAL PROVISIONS.—

''(A) USE OF IMPLEMENTING PARTNER ORGANIZATIONS.—Assistance under this section shall emphasize the use of implementing partner organizations that best meet the requirements of subparagraph (C).

''(B) USE OF CENTRAL FUNDING MECHANISMS.—

''(i) PROGRAM.—In order to ensure that assistance under this title is distributed effectively and efficiently, the office shall also seek to implement a program of central funding under which assistance is administered directly by the office, including through targeted core support for microfinance and microenterprise networks and other practitioners.

''(ii) FUNDING.—Of the amount made available to carry out this subtitle for a fiscal year, not less than $25,000,000 should be made available to carry out clause (i).

''(C) EFFICIENCY AND COST-EFFECTIVENESS.—Assistance under this section shall meet high standards of efficiency, cost-effectiveness, and sustainability and shall especially provide the greatest possible resources to the poor and very poor. When administering assistance under this section, the Administrator shall—

''(i) take into consideration the percentage of funds a provider of assistance intends to expend on administrative costs;

''(ii) take all appropriate steps to ensure that the provider of assistance keeps administrative costs as low as practicable to ensure the maximum amount of funds are used for directly assisting microfinance and microenterprise clients, for establishing sustainable microfinance and microenterprise institutions, or for advancing the microenterprise development field; and

''(iii) give preference to proposals from providers of assistance that are the most technically competitive and have a reasonable allocation to overhead and administrative costs.

''(3) APPROVAL OF STRATEGIC PLANS.—With respect to assistance provided under this section, the office shall be responsible for concurring in the microenterprise development components of strategic plans of missions, bureaus, and other offices of the Agency and providing technical support to field missions to help the missions prepare such components.

''(c) TARGETED ASSISTANCE.—In carrying out sustainable poverty-focused programs under subsection (a), 50 percent of all microenterprise resources shall be targeted to clients who are very poor. Specifically, until September 30, 2006, such resources shall be used for—

''(1) support of programs under this section through practitioner institutions that—

''(A) provide credit and other financial services to clients who are very poor, with loans in 1995 United States dollars of—

''(i) $1,000 or less in the Europe and Eurasia region;

''(ii) $400 or less in the Latin America region; and

''(iii) $300 or less in the rest of the world; and

''(B) can cover their costs in a reasonable time period; or

''(2) demand-driven business development programs that achieve reasonable cost recovery that are provided to clients holding poverty loans (as defined by the regional poverty loan limitations in paragraph (1)(A)), whether they are provided by microfinance institutions or by specialized business development services providers.

''SEC. 253. MONITORING SYSTEM.

''(a) IN GENERAL.—In order to maximize the sustainable development impact of assistance authorized under section 252(a), the Administrator of the Agency, acting through the Director of the office, shall strengthen its monitoring system to meet the requirements of subsection (b).

''(b) REQUIREMENTS.—The requirements referred to in subsection (a) are the following:

''(1) The monitoring system shall include performance goals for the assistance and expresses such goals in an objective and quantifiable form, to the extent feasible.

''(2) The monitoring system shall include performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (1) and the objectives of the assistance authorized under section 252.

''(3) The monitoring system provides a basis for recommendations for adjustments to the assistance to enhance the sustainability and the impact of the assistance, particularly the impact of such assistance on the very poor, particularly poor women.

''(4) The monitoring system adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive adequate access to microenterprise loans, savings, and assistance.

''SEC. 254. DEVELOPMENT AND CERTIFICATION OF POVERTY MEASUREMENT METHODS; APPLICATION OF METHODS.

''(a) DEVELOPMENT AND CERTIFICATION.—

''(1) IN GENERAL.—The Administrator of the Agency, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for implementing partner organizations to use to assess the poverty levels of their current incoming or prospective clients. The Administrator shall develop poverty indicators that correlate with the circumstances of the very poor.

''(2) FIELD TESTING.—The Administrator shall field-test the methods developed under paragraph (1). As part of the testing, institutions and programs may use the methods on a voluntary basis to demonstrate their ability to reach the very poor.

''(3) CERTIFICATION.—Not later than April 1, 2005, the Administrator shall, from among the low-cost poverty measurement methods developed under paragraph (1), certify no fewer than two such methods as approved methods for measuring the poverty levels of current, incoming, or prospective clients of microenterprise institutions for purposes of assistance under section 252.

''(b) APPLICATION.—The Administrator shall require that, with reasonable exceptions, all implementing partner organizations applying for microenterprise assistance under this title use one of the certified methods, beginning not later than October 1, 2006, to determine and report the poverty levels of current, incoming, or prospective clients.

''SEC. 255. ADDITIONAL AUTHORITIES.

''Notwithstanding any other provision of law, amounts made available for assistance for microenterprise development assistance under any provision of law other than this title may be provided to further the purposes of this title. To the extent assistance described in the preceding sentence is provided in accordance with such sentence, the Administrator of the Agency shall include, as part of the report required under section 258, a detailed description of such assistance and, to the extent applicable, the information required by paragraphs (1) through (11) of subsection (b) of such section with respect to such assistance.''.

SEC. 4. MICROENTERPRISE DEVELOPMENT CREDITS.

(a) TRANSFER.—Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 255 of the Foreign Assistance Act of 1961.

(b) REDESIGNATION.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 108 (as added by subsection (a)) as section 256.

(c) CONFORMING AMENDMENTS.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after the title heading the following:

''Subtitle A—Grant Assistance'';

(2) by inserting after section 255 the following:

''Subtitle B—Credit Assistance''; and

(3) in section 256 (as redesignated by subsection (b))—

(A) in the matter preceding paragraph (1) of subsection (c), by striking ''Administrator of the agency primarily responsible for administering this part'' and inserting ''Administrator of the Agency''; and

(B) in subsection (f)(1)—

(i) by striking ''section 131'' and inserting ''this part''; and

(ii) by striking ''$1,500,000 for each of fiscal years 2001 through 2004'' and inserting ''such sums as may be necessary for each of the fiscal years 2005 through 2009''.

SEC. 5. UNITED STATES MICROFINANCE LOAN FACILITY.

(a) TRANSFER.—Section 132 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152b) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 256 of the Foreign Assistance Act of 1961 (as added by section 4 of this Act).

(b) REDESIGNATION.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 132 (as added by subsection (a)) as section 257.

(c) CONFORMING AMENDMENTS.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after section 256 the following:

''Subtitle C—United States Microfinance Loan Facility''; and

(2) in section 257 (as redesignated by subsection (b))—

(A) in subsection (b)(3), by striking ''2001 and 2002'' and inserting ''2005 through 2009'';

(B) in the matter preceding subparagraph (A) of subsection (d)(1), by striking ''this part for the fiscal year 2001, up to $5,000,000'' and inserting ''this part for each of the fiscal years 2005 through 2009, such sums as may be necessary''; and

(C) by striking subsection (e).

SEC. 6. MISCELLANEOUS PROVISIONS.

Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (as added by section 3 of this Act and amended by sections 4 and 5 of this Act) is further amended by adding at the end the following new subtitle:

''Subtitle D—Miscellaneous Provisions

''SEC. 258. REPORT.

''(a) IN GENERAL.—Not later than June 30, 2006, and each June 30 thereafter, the Administrator of the Agency, acting through the Director of the office, shall submit to the appropriate congressional committees a report that contains a detailed description of the implementation of this title for the previous fiscal year.

''(b) CONTENTS.—The report shall contain the following:

''(1) The number of grants, cooperative agreements, contracts, contributions, or other form of assistance provided under section 252, with a listing of—

''(A) the amount of each grant, cooperative agreement, contract, contribution, or other form of assistance;

''(B) the name of each recipient and each developing country with respect to which projects or activities under the grant, cooperative agreement, contract, contribution, or other form of assistance were carried out; and

''(C) a listing of the number of countries receiving assistance authorized by section 252.

''(2) The results of the monitoring system required under section 253.

''(3) The process of developing and applying poverty assessment procedures required under section 254.

''(4) The percentage of assistance furnished under section 252 that was allocated to the very poor based on the data collected using the certified methods required by section 254.

''(5) The estimated number of the very poor reached with assistance provided under section 252.

''(6) The amount of assistance provided under section 252 through central mechanisms.

''(7) The name of each country that receives assistance under section 256 and the amount of such assistance.

''(8) Information on the efforts of the Agency to ensure that recipients of United States microenterprise and microfinance development assistance work closely with nongovernmental organizations and foreign governments to identify and assist victims or potential victims of severe forms of trafficking in persons and women who are victims of or susceptible to other forms of exploitation and violence.

''(9) Any additional information relating to the provision of assistance authorized by this title, including the use of the poverty measurement tools required by section 254,

or additional information on assistance provided by the United States to support microenterprise development under this title or any other provision of law.

''(10) An estimate of the percentage of beneficiaries of assistance under this title in countries where a strong relationship between poverty and race or ethnicity has been demonstrated.

''(11) The level of funding provided through contracts, the level of funding provided through grants, contracts, and cooperative agreements that is estimated to be subgranted or subcontracted, as the case may be, to direct service providers, and an analysis of the comparative cost-effectiveness and sustainability of projects carried out under these mechanisms.

''(c) AVAILABILITY TO PUBLIC.—The report required by this section shall be made available to the public on the Internet website of the Agency.

''SEC. 259. DEFINITIONS.

'' In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Agency.

''(2) AGENCY.—The term 'Agency' means the United States Agency for International Development.

''(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(4) BUSINESS DEVELOPMENT SERVICES.—The term 'business development services' means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other related services.

''(5) DIRECTOR.—The term 'Director' means the Director of the office.

''(6) IMPLEMENTING PARTNER ORGANIZATION.—The term 'implementing partner organization' means an entity eligible to receive assistance under this title which is—

''(A) a United States or an indigenous private voluntary organization;

''(B) a United States or an indigenous credit union;

''(C) a United States or an indigenous cooperative organization;

''(D) an indigenous governmental or nongovernmental organization;

''(E) a microenterprise institution;

''(F) a microfinance institution; or

''(G) a practitioner institution.

''(7) MICROENTERPRISE INSTITUTION.—The term 'microenterprise institution' means a not-for-profit entity that provides services, including microfinance, training, or business development services, for microenterprise clients in foreign countries.

''(8) MICROFINANCE INSTITUTION.—The term 'microfinance institution' means a not-for-profit entity or a regulated financial intermediary that directly provides, or works to expand, the availability of credit, savings, and other financial services to microfinance and microenterprise clients in foreign countries.

''(9) MICROFINANCE NETWORK.—The term 'microfinance network' means an affiliated group of practitioner institutions that provides services to its members, including financing, technical assistance, and accreditation, for the purpose of promoting the financial sustainability and societal impact of microenterprise assistance.

''(10) OFFICE.—The term 'office' means the office of microenterprise development established under section 252(b)(1).

''(11) PRACTITIONER INSTITUTION.—The term 'practitioner institution' means a not-for-profit entity or a regulated financial intermediary, including a microfinance network, that provides services, including microfinance, training, or business development services, for microfinance and microenterprise clients, or provides assistance to microenterprise institutions in foreign countries.

''(12) PRIVATE VOLUNTARY ORGANIZATION.—The term 'private voluntary organization' means a not-for-profit entity that—

''(A) engages in and supports activities of an economic or social development or humanitarian nature for citizens in foreign countries; and

''(B) is incorporated as such under the laws of the United States, including any of its states, territories or the District of Columbia, or of a foreign country.

''(13) UNITED STATES-SUPPORTED MICROFINANCE INSTITUTION.—The term 'United States-supported microfinance institution' means a financial intermediary that has received funds made available under this part for fiscal year 1980 or any subsequent fiscal year.

''(14) VERY POOR.—The term 'very poor' means those individuals—

''(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

''(B) living on less than the equivalent of $1 per day (as calculated using the purchasing power parity (PPP) exchange rate method).''.

SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that, in carrying out title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (as added by section 3 of this Act and amended by sections 4 through 6 of this Act), the Administrator of the United States Agency for International Development—

(1) where applicable, should ensure that microenterprise development assistance provided under such title is matched by recipients with an equal amount of assistance from non-United States Government sources, including private donations, multilateral funding, commercial and concessional borrowing, savings, and program income;

(2) should include in the report required by section 258 of the Foreign Assistance Act of 1961 (as added by section 6 of this Act) a description of all matching assistance (as described in paragraph (1)) provided for the prior year by recipients of microenterprise development assistance under such title;

(3) should ensure that recipients of microenterprise development assistance under such title do not expend an unreasonably large percentage of such assistance on administrative costs;

(4) should not use recipients of microenterprise development assistance under such title to carry out critical management functions of the Agency, including functions such as strategy development or overall management of programs in a country; and

(5) should consult with the appropriate congressional committees with respect to the implementation of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 not later than 90 days after the date of the enactment of this Act.

SEC. 8. REPEALS.

(a) FOREIGN ASSISTANCE ACT OF 1961.—Section 131 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a) is hereby repealed.

(b) PUBLIC LAW 108–31.—

(1) IN GENERAL.—Section 4 of Public Law 108–31 (22 U.S.C. 2151f note) is amended by striking subsection (b).

(2) CONFORMING AMENDMENT.—Section 4 of Public Law 108–31 is amended by striking ''(a)'' and all that follows through ''Not later'' and inserting ''Not later''.

SEC. 9. REFERENCES.

Any reference in a law, regulation, agreement, or other document of the United States to section 108, 131, or 132 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to subtitle B of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, subtitle A of title VI of chapter 2 of part I of such Act, or subtitle C of title VI of chapter 2 of part I of such Act, respectively.

Mr. SMITH of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The amendment in the nature of a substitute was agreed to.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of H.R. 3818, ''The Microenterprise Results and Accountability Act of 2004.'' I introduced this bill at the beginning of the 108th Congress, and this final product represents the culmination of months of hard work and discussion by Republicans and Democrats in both the House and Senate, members of the microenterprise community, and USAID, to build upon one of our most progressive and successful foreign aid programs.

I would like to thank Mr. DELAY and our leadership for scheduling this bill. We know that the House has been considering numerous important pieces of foreign affairs legislation in recent months—from the Foreign Aid appropriations bill to legislation reorganizing our intelligence community and better securing our borders to fight the War on Terrorism—and I am grateful that our leadership took time to schedule this important measure.

I would like to thank Chairman HYDE, who has shown strong support for this bill every step of the way and moved it promptly at the beginning of this year. I would also like to thank Mr. LANTOS, Mr. WELDON, and 81 other Members of Congress who cosponsored this legislation.

Mr. Speaker, this legislation is primarily about ensuring better results, not authorizing additional money. A comprehensive GAO report completed in November 2003 revealed that oversight and accountability of microenterprise programs administered by AID is weak, and that programs are not having the desired effect of reaching the very poor—those earning less than the equivalent of $1/day—to the greatest extent possible.

In response to those concerns, H.R. 3818 builds-in accountability through a focus on cost-effectiveness and efficiency. H.R. 3818 establishes a dedicated Microenterprise Office within USAID which will approve strategic plans of field missions, establish a monitoring system in order to maximize the impact of programs and measure results, and coordinate preparation of a yearly report to Congress. The legislation also ensures that more funds go to the ''poorest of the poor'' through the development and implementation of easy-to-use, cost-effective poverty assessment techniques. Identifying and targeting the poorest potential clients who would stand to benefit most from microenterprise loans has proven to be more difficult than originally anticipated. I am hopeful that once developed, these poverty assessment techniques may prove useful not only for microenterprise but also in other areas of our foreign aid.

This bill also stipulates that USAID should emphasize the use of global microfinance networks and other non-profit voluntary organizations in the implementation of microenterprise and microfinance programs. In the last two years, I am concerned that USAID has been shifting its focus away from non-profit organizations and networks to contractors in the implementation of the Agency's microenterprise program. While for-profit entities such as consulting firms are making excellent contributions in the areas of technical assistance, research and policy reform, global microfinance networks and non-profit voluntary organizations have the operational experience and track record in microenterprise and microfinance service delivery to poor people. These organizations are able to get resources directly to clients, and are well positioned to reach the very poorest economically active entrepreneurs in the countries where they work. Further, such networks have built self-sustaining microfinance institutions that now cover, on average, almost all of their operating costs. More than $150 million in earned revenue was captured by these institutions in 2002 to cover their operating costs, in addition to private donations that have added significant leverage to USAID's investments. These networks have excelled in rapidly developing microfinance institutions in volatile and risky situations, including during the early stages of a country's transition from war to peace. However, while H.R. 3818 also encourages the use of indigenous governmental organizations as implementing partners for microenterprise and microfinance programs, these governmental organizations should be used only when necessary, efficient and effective, and, in particular, only when they use the best practices in this field. Since the reforms in H.R. 3818 are so comprehensive, we expect USAID will work in close consultation with the appropriate Congressional committees and offices regarding this and other issues.

The term ''foreign aid'' often has a bad connotation—and there are some good reasons why, too. Many times in the past, foreign aid was sent in a ''top-down'' manner to corrupt governments and organizations where it never really reached the intended recipients.

Microenterprise, on the other hand, takes a totally different approach. It's a ''trickle-up'' approach that focuses on helping the poorest people on the planet build themselves up, little by little, into self-sufficiency. The success of microenterprise lending programs to empower entrepreneurs and borrowers in the developing world cannot be overstated.

Over two million clients are currently benefiting from USAID-assisted programs that provide the necessary capital through small loans, usually of a few hundred dollars or less, for entrepreneurs to start and expand their own small businesses. It is estimated that 97 percent of microenterprise loans are successfully repaid and 70 percent to women, who are often very vulnerable, subjected to abuse, and in need of economic opportunities in the developing world. Microenterprise is a key vehicle to assist victims of trafficking and to raise the social and economic status of women around the world.

Microenterprise also complements the principles President Bush has outlined for more effective foreign aid through the Millennium Challenge Account. Business owners assisted by micro-lending are not only able to increase their own incomes, but through their efforts, they create jobs and help economies grow.

Success stories from the beneficiaries of microenterprise are quite numerous. Take for example, Dorothy Eyiah (EYE-ee-ah) from Ghana. Dorothy was resourceful, but she had no idea how she was going to support her AIDS-stricken sister and family when she brought them into her home in Ghana. She used to support herself selling ice, but that wasn't going to pay for the food and medicines she now needed. She started praying. All doors seemed shut until Dorothy met some women within her village who were part of an Opportunity International Trust Bank. The Trust Bank could help her grow a small business—providing her with financing, training, support. Five loans later, Dorothy is the secretary of her Trust Bank and runs 3 businesses, employing 9 people from her village. She is content. Her sister is comfortable, all the children are in school, and their needs are being met. ''God has been so good to me,'' she says.

Success stories such as this are what microfinance and H.R. 3818 are all about. By building the best possible microenterprise program, our goal is to reach the greatest possible number of poor people with services that truly have an impact on their lives. As we compare the effectiveness of various methods of implementation of funds, success will be measured by the ability to reach very poor people and other underserved populations, including women, and by the kind of impact these programs have on poor families. We are concerned not only with the efficient delivery of financial services, but also with the well-being of those who receive those services. We want to see poor people work their way out of poverty, increase their income, build their assets, and grow their businesses, and we also want to see them educate their children, achieve greater self-esteem, strengthen their families, and improve the quality of their lives.

When we provide micro loans for the developing world, we export values upon which our nation is based upon, including the ideal that if you work hard and dream big, you can succeed. Again, I thank my colleagues who have supported this legislation and I urge the rest of my colleagues to do the same.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3818.

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

There was no objection.

EXTENDING AUTHORITY OF U.S. DISTRICT COURT FOR SOUTHERN DISTRICT OF IOWA TO HOLD COURT IN ROCK ISLAND, ILLINOIS

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2873) to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2873

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

SECTION 1. HOLDING OF COURT FOR THE SOUTHERN DISTRICT OF IOWA.

Section 11029 of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 95 note; Public Law 107–273; 116 Stat. 1836) is amended by striking ''July 1, 2005'' and inserting ''July 1, 2006''.

SEC. 2. HOLDING OF COURT AT CLEVELAND, MISSISSIPPI.

Section 104(a)(3) of title 28, United States Code, is amended in the second sentence by inserting ''and Cleveland'' after ''Clarksdale''.

SEC. 3. PLACE OF HOLDING COURT IN TEXARKANA, TEXAS, AND TEXARKANA, ARKANSAS.

Sections 83(b)(1) and 124(c)(5) of title 28, United States Code, are each amended by inserting after ''held at Texarkana'' the following: '', and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas''.

SEC. 4. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by striking ''and Watertown'' and inserting ''Watertown, and Plattsburgh''.

SEC. 5. PLACE OF HOLDING COURT IN THE DISTRICT OF COLORADO.

Section 85 of title 28, United States Code, is amended by inserting ''Colorado Springs,'' after ''Boulder,''.

Mr. SENSENBRENNER. The other body has passed S. 2873, which contains five noncontroversial items that affect the operations of certain Federal courts. These provisions have been thoroughly scrubbed and will assist the affected judicial districts in their work. I urge the House to pass the measure.

Mr. Speaker, the contents of S. 2873 are as follows:

First, the bill designates Cleveland, Mississippi, as a place of holding federal court. This is necessary because Cleveland is the site for a local prison that houses Federal inmates who cannot be incarcerated elsewhere based on a shortage of Federal facilities in the area.

The provision will allow a federal judge who resides in Cleveland to process the Federal cases there rather than commute to Greenville along with the prisoners. There is no need for building construction or leased space.

Second, the bill designates Texarkana, Texas, and Texarkana Arkansas, as places of holding Federal court. The provision allows the Western District of Arkansas and the Eastern District of Texas to hold court anywhere within the Texarkana courthouse that straddles the border between the two States. This will allow the judges to coordinate their workloads and move their dockets more efficiently.

Third, the bill designates Plattsburgh, New York, as a place of holding court. This provision was part of H.R. 3632, an anticounterfeiting bill, that the House passed earlier this year by voice vote. The Plattsburgh designation will assist the U.S. Customs Service and the Department of Justice in prosecuting criminal activity on the Canadian border and Lake Champlain region.

Fourth, the bill designates Colorado Springs, Colorado, as a place of holding court. This was also part of H.R. 3632. Colorado Springs is home to a number of Federal prison facilities, including one which houses terrorists. The nearest Federal court is 70 miles away. The Marshals Service is especially concerned about transporting terrorists over this expanse.

And fifth, the bill extends an existing authorization to permit the Southern Judicial District of Iowa to hold court in Rock Island, Illinois. The courthouse in Iowa is undergoing renovations which are not yet completed, thereby necessitating the extension.

To conclude, I emphasize that the Administrative Office of the U.S. Courts endorses this legislation.

Mr. Speaker, the other body and our committee in a bipartisan fashion have reviewed these items and we find them meritorious. I urge my colleagues to support S. 2873.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2873.

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

There was no objection.

AMENDING AND EXTENDING IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT OF 1998

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2655) to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. AMENDMENT AND EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.

(a) IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT.—

(1) PROGRAM PARTICIPANT REQUIREMENTS.—Section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end the following:

''(5) PROGRAM PARTICIPANT REQUIREMENTS.—An alien entering the United States as a participant in the program shall satisfy the following requirements:

''(A) The alien shall be a citizen of the United Kingdom or the Republic of Ireland.

''(B) The alien shall be between 21 and 35 years of age on the date of departure for the United States.

''(C) The alien shall have resided continuously in a designated county for not less than 18 months before such date.

''(D) The alien shall have been continuously unemployed for not less than 12 months before such date.

''(E) The alien may not have a degree from an institution of higher education.''.

(2) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) in subsection (a)(3), by striking ''the third program year and for the 4 subsequent years,'' and inserting ''each program year,''; and

(B) by amending subsection (d) to read as follows:

''(d) SUNSET.—

''(1) Effective October 1, 2008, the Irish Peace Process Cultural and Training Program Act of 1998 is repealed.

''(2) Effective October 1, 2008, section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

''(A) by striking 'or' at the end of clause (i);

''(B) by striking '(i)' after '(Q)'; and

''(C) by striking clause (ii).''.

(3) COST-SHARING.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note), as amended by paragraph (2), is further amended—

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

(B) by inserting after subsection (b), the following new subsection:

''(c) COST-SHARING.—The Secretary of State shall verify that the United Kingdom and the Republic of Ireland continue to pay a reasonable share of the costs of the administration of the cultural and training programs carried out pursuant to this Act.''.

(4) TECHNICAL AMENDMENTS.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(A) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(B) by striking ''Immigration and Naturalization Service'' each place such term appears and inserting ''Department of Homeland Security''.

(b) IMMIGRATION AND NATIONALITY ACT.—

(1) REQUIREMENTS FOR NONIMMIGRANT STATUS.—Section 101(a)(15)(Q) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)) is amended—

(A) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(B) in clause (ii)(I)—

(i) by striking ''35 years of age or younger having a residence'' and inserting ''citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months''; and

(ii) by striking ''36 months)'' and inserting ''24 months)''.

(2) FOREIGN RESIDENCE REQUIREMENT.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(A) by redesignating the subsection (p) as added by section 1505(f) of Public Law 106–386 (114 Stat. 1526) as subsection (s); and

(B) by adding at the end the following:

''(t)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I), or acquiring such status after admission, shall be eligible to apply for nonimmigrant status, an immigrant visa, or permanent residence under this Act until it is established that such person has resided and been physically present in the person's country of nationality or last residence for an aggregate of at least 2 years following departure from the United States.

''(2) The Secretary of Homeland Security may waive the requirement of such 2-year foreign residence abroad if the Secretary determines that—

''(A) departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or an alien lawfully admitted for permanent residence); or

''(B) the admission of the alien is in the public interest or the national interest of the United States.''.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, H.R. 2655 would extend the Irish Peace Process Cultural and Training Program for 2 years, from 2006 to 2008. It would also modify the provisions of the program to ensure that those aliens receiving visas are those the program was designed to benefit.

In 1998, Representative WALSH guided the Irish Peace Process Cultural and Training Program Act to enactment. The purpose of the program is to allow young adults who live in disadvantaged areas of Northern Ireland and designated border counties of Ireland that are suffering from sectarian violence and high unemployment to enter the United States to develop job skills and conflict resolution abilities in a diverse, cooperative, peaceful, and prosperous environment. They can then return to their homes better able to contribute toward economic regeneration and the Irish peace process. Up to 4,000 qualifying aliens (and their spouses and minor children) can be admitted each year and they can stay in the U.S. for up to 3 years.

Mr. WALSH's bill, H.R. 2655, would extend the program for another 2 years, until October 1, 2008. It would also make a number of changes to the program to ensure that the aliens granted admission are those truly economically disadvantaged young adults the program was designed to help. These changes include requirements that program participants not have degrees from institutions of higher education, that they be at least 21 years of age, that they be nationals of the United Kingdom or the Republic of Ireland, that they have been unemployed for at least one year and resident in Northern Ireland or the designated border counties for at least 18 months.

The bill would also make changes to the program to help ensure that the aliens return to Ireland to foster economic development and peace. For instance, it would also require that aliens admitted under the program return home for 2 years before they could apply for an immigrant visa, permanent residence, or another nonimmigrant visa.

I urge my colleagues to vote for H.R. 2655.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2655.

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

There was no objection.

COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT (CREATE) ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2192) to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2192

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 ''Cooperative Research and Technology Enhancement (CREATE) Act of 2004''.

SEC. 2. COLLABORATIVE EFFORTS ON CLAIMED INVENTIONS.

Section 103(c) of title 35, United States Code, is amended to read as follows:

''(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

''(2) For purposes of this subsection, subject matter developed by another person and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person if—

''(A) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made;

''(B) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(C) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(3) For purposes of paragraph (2), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by two or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.''.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply to any patent granted on or after the date of the enactment of this Act.

(b) SPECIAL RULE.—The amendments made by this Act shall not affect any final decision of a court or the United States Patent and Trademark Office rendered before the date of the enactment of this Act, and shall not affect the right of any party in any action pending before the United States Patent and Trademark Office or a court on the date of the enactment of this Act to have that party's rights determined on the basis of the provisions of title 35, United States Code, in effect on the day before the date of the enactment of this Act.

Mr. SENSENBRENNER. Mr. Speaker, S. 2192 will help to spur the development of new technologies by making it easier for collaborative inventors who represent more than one organization to obtain the protection of the U.S. patent system for their inventions.

Members should note that the text of S. 2192 is identical to that of H.R. 2391, which received approximately 2 years of process. The House passed H.R. 2391 by voice vote on March 10 of this year.

The bill achieves this goal by limiting the circumstances in which confidential information, which is voluntarily exchanged by individual research team members, may be asserted to bar the patenting of the team's new inventions.

Today, industries that rely on intellectual property, like pharmaceuticals, biotechnology, and nano-technology serve as key catalysts to the U.S. economy, employing tens of thousands of Americans. More often than not, the innovations they develop are not done solely by researchers ''in-house'' but rather, in concert with other researchers who may be located at universities, non-profit institutions, or other private enterprises.

Carl E. Gulbrandsen, the managing director of the Wisconsin Alumni Research Foundation, provided an assessment of the value of university research contributions when he testified before the Intellectual Property Subcommittee last Congress that:

> In 2000, non-profits and universities spent a record $28.1 billion on research and development much of which involved collaborations among private, public, and non-profit entities.

Sales of products developed from inventions transferred from these research centers resulted in revenues that approached $42 billion that year, a portion of which was then reinvested in additional research.

As significant as this research activity is, the tangible benefits of its application are also worth noting. Innovations like magnetic resonance imaging and the sequencing of the human genome through a process known as automated polymerase chain reaction technology were both made possible through collaborative research.

Mr. Speaker, in 1984, Congress acted to provide incentives for innovation by encouraging researchers within organizations to share information. That year, we amended the Patent Act to restrict the use of background scientific or technical information shared among researchers in an effort to deny a patent in instances where the subject matter and the claimed invention were under common ownership or control.

S. 2192 will provide a similar statutory ''safe harbor'' for inventions that result from the collaborative activities of private, public, and non-profit entities. In so doing, the bill responds to the 1997 OddzON Products, Inc. V. Just Toys, Inc. decision of the Federal Circuit Court of Appeals by clarifying that prior inventions of team members will not serve as an absolute bar to the patenting of the team's new invention when the parties conduct themselves in accordance with the terms of the bill.

In the future, research collaborations between academia and industry will be even more critical to the efforts of U.S. industry to maintain our technological preeminence. By enacting S. 2192, Congress will help to foster improved communication among researchers, provide additional certainty and structure for those who engage in collaborative research, reduce patent litigation incentives, and facilitate innovation and investment.

S. 2192 is the product of the collaborative efforts of a number of individuals and leading professional patent and research organizations. Among those who contributed substantially to the development of the bill are the USPTO, the Wisconsin Alumni Research Foundation, the American Council on Education, the American University Technology Managers, the Biotechnology Industry Organization, and the American Intellectual Property Law Association.

Mr. Speaker, S. 2192 will ensure that tomorrow's collaborative researchers can enjoy the full measure of the benefits of the patent law. I urge the Members to support the bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2192.

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

There was no objection.

ENSURING NEEDED HELP ARRIVES NEAR CALLERS EMPLOYING 911 ACT OF 2004

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 5419) to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E–911 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system; and to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs

established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5419

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

TITLE I-E–911

SEC. 101. SHORT TITLE.

This title may be cited as the ''Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004'' or the ''ENHANCE 911 Act of 2004''.

SEC. 102. FINDINGS.

The Congress finds that—

(1) for the sake of our Nation's homeland security and public safety, a universal emergency telephone number (911) that is enhanced with the most modern and state-of-the-art telecommunications capabilities possible should be available to all citizens in all regions of the Nation;

(2) enhanced emergency communications require Federal, State, and local government resources and coordination;

(3) any funds that are collected from fees imposed on consumer bills for the purposes of funding 911 services or enhanced 911 should go only for the purposes for which the funds are collected; and

(4) enhanced 911 is a high national priority and it requires Federal leadership, working in cooperation with State and local governments and with the numerous organizations dedicated to delivering emergency communications services.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to coordinate 911 services and E–911 services, at the Federal, State, and local levels; and

(2) to ensure that funds collected on telecommunications bills for enhancing emergency 911 services are used only for the purposes for which the funds are being collected.

SEC. 104. COORDINATION OF E–911 IMPLEMENTATION.

Part C of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 158. COORDINATION OF E–911 IMPLEMENTATION.

''(a) E–911 IMPLEMENTATION COORDINATION OFFICE.—

''(1) ESTABLISHMENT.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

''(A) establish a joint program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of E–911 services; and

''(B) create an E–911 Implementation Coordination Office to implement the provisions of this section.

''(2) MANAGEMENT PLAN.—The Assistant Secretary and the Administrator shall jointly develop a management plan for the program established under this section. Such plan shall include the organizational structure and funding profiles for the 5–year duration of the program. The Assistant Secretary and the Administrator shall, within 90 days after the date of enactment of this Act, submit the management plan to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

''(3) PURPOSE OF OFFICE.—The Office shall—

''(A) take actions, in concert with coordinators designated in accordance with subsection (b) (3) (A) (ii), to improve such coordination and communication;

''(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of E–911 services;

''(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b) (3) (A) (iii);

''(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

''(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

''(4) REPORTS.—The Assistant Secretary and the Administrator shall provide a. joint annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of E–911 services.

''(b) PHASE II E–911 IMPLEMENTATION GRANTS.—

''(1) MATCHING GRANTS.—-The Assistant Secretary and the Administrator, after consultation 'with the Secretary of Homeland Security and the Chairman of the Federal Communications Commission, and acting through the Office, shall provide grants to eligible entities for the implementation and operation of Phase II E–911 services.

''(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 50 percent. The non-Federal share of the cost shall be provided from non-Federal sources.

''(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

''(A) in the case of an eligible entity that is a State government, the entity—

''(i) has coordinated its application with the public safety answering points (as such term is defined in section 222(h)(4) of the Communications Act of 1934) located within the jurisdiction of such entity;

''(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of E911 services, except that such designation need not vest such coordinator with direct legal authority to implement E–911 services or manage emergency communications operations;

''(iii) has established a plan for the coordination and implementation of E–911 services; and

''(iv) has integrated telecommunications services involved in the implementation and delivery of phase II E–911 services; or

''(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied With clause (ii) of such subparagraph.

''(4) CRITERIA.—The Assistant Secretary and the Administrator shall jointly issue regulations within 90 days after the date of enactment of the ENHANCE 911 Act of 2004, after a public comment period of not less than 60 days, prescribing the criteria, for selection for grants under this section, and shall update such regulations as necessary. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section.

''(c) DIVERSION OF E–911 CHARGES.—

''(1) DESIGNATED E–911 CHARGES.—For the purposes of this subsection, the term 'designated E–911 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve E–911 services.

''(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated E–911 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 1 SO days immediately, preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

''(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated E–911 charges for any purpose other than the purposes for which such charges are designated or presented, all of the funds from such grant shall be returned to the Office.

''(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (1) knowing that the information provided in the certification was false shall—

''(A) not be eligible to receive the grant under subsection (b);

''(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

''(C) not be eligible to receive any subsequent grants under subsection (b).

''(d) AUTHORIZATION; TERMINATION.—

''(1) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation, for the purposes of grants under the joint program operated under this section with the Department of Commerce, not more than $250,000,000 for each of the fiscal years 2005 through 2009, not more than 5 percent of which for any fiscal year may be obligated or expended for administrative costs.

''(2) TERMINATION.—The provisions of this section shall cease to be effective on October 1, 2009.

''(e) DEFINITIONS.—As used in this section:

''(1) OFFICE.—The term 'Office' means the E911 Implementation Coordination Office.

''(2) ADMINISTRATION.—The term 'Administrator' means the Administrator of the National Highway Traffic Safety Administration.

''(3) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means a State or local government or a tribal organization (as defined in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1))).

''(B) INSTRUMENTALITIES.—Such term includes public authorities, boards, commissions, and similar bodies created by one or

more eligible entities described in subparagraph (A) to provide E–911 services.

''(C) EXCEPTION.—Such term does not include any entity that has failed to submit the most recently required certification under subsection (c) 'within 30 days after the date on which such certification is due.

''(4) E–911 SERVICES.—The term 'E–911 services' means both phase I and phase II enhanced 911 services, as described in section 20.18 of the Commission's regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the ENHANCE 911 Act of 2004, or as subsequently revised by the Federal Communications Commission.

''(5) PHASE II E–911 SERVICES.—The term 'phase II E–911 services' means only phase II enhanced 911 services, as described in such section 20.18 (47 C.F.R. 20.18), as in effect on such date, or as subsequently revised by the Federal Communications Commission.

''(6) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.''.

SEC. 105. GAO STUDY OF STATE AND LOCAL USE OF 911 SERVICE CHARGES.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Comptroller General shall initiate a study of—

(1) the imposition of taxes, fees, or other charges imposed by States or political subdivisions of States that are designated or presented as dedicated to improve emergency communications services, including 911 services or enhanced 911 services, or related to emergency communications services operations or improvements; and

(2) the use of revenues derived from such taxes, fees, or charges.

(b) REPORT.—Within 18 months after initiating the study required by subsection (a), the Comptroller General shall transmit a report on the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce setting forth the findings, conclusions, and recommendations, if any, of the study, including—

(1) the identity of each State or political subdivision that imposes such taxes, fees, or other charges; and

(2) the amount of revenues obligated or expended by that State or political subdivision for any purpose other than the purposes for which such taxes, fees, or charges were designated or presented.

SEC. 106. REPORT ON THE DEPLOYMENT OF E–911 PHASE II SERVICES BY TIER III SERVICE PROVIDERS.

Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate detailing—

(1) the number of tier III commercial mobile service providers that are offering phase II E–911 services;

(2) the number of requests for waivers from compliance with the Commission's phase II E–911 service requirements received by the Commission from such tier III providers;

(3) the number of waivers granted or denied by the Commission to such tier III providers;

(4) how long each waiver request remained pending before it was granted or denied;

(5) how many waiver requests are pending at the time of the filing of the report;

(6) when the pending requests will be granted or denied;

(7) actions the Commission has taken to reduce the amount of time a waiver request remains pending; and

(8) the technologies that are the most effective in the deployment of phase II E–911 services by such tier III providers.

SEC. 107. FCC REQUIREMENTS FOR CERTAIN TIER III CARRIERS.

(a) IN GENERAL.—The Federal Communications Commission shall act on any petition filed by a qualified Tier III carrier requesting a waiver of compliance with the requirements of section 20.18(g)(1)(v) of the Commission's rules (47 C.F.R. 20.18(g)(1)(v)) Within 100 days after the Commission receives the petition. The Commission shall grant the waiver of compliance with the requirements of section 20.18(g)(1)(v) of the Commission's rules (47 C.F.R. 20.18(g)(1)(v)) requested by the petition if it determines that strict enforcement of the requirements of that section would result in consumers having decreased access to emergency services.

(b) QUALIFIED TIER III CARRIER DEFINED.—In this section, the term ''qualified Tier III carrier'' means a provider of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)) that had 500,000 or fewer subscribers as of December 31, 2001.

TITLE II—SPECTRUM RELOCATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Commercial Spectrum Enhancement Act''.

SEC. 202. RELOCATION OF ELIGIBLE FEDERAL ENTITIES FOR THE REALLOCATION OF SPECTRUM FOR COMMERCIAL PURPOSES.

Section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(8)) is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station assigned to a band of frequencies specified in paragraph (2) and that incurs relocation costs because of the reallocation of frequencies from Federal use to non-Federal use shall receive payment for such costs from the Spectrum Relocation Fund, in accordance with section 118 of this Act. For purposes of this paragraph, Federal power agencies exempted under subsection (c) (4) that choose to relocate from the frequencies identified for reallocation pursuant, to subsection (a), are eligible to receive payment under this paragraph.

''(2) ELIGIBLE FREQUENCIES.—The bands of eligible frequencies for purposes of this section are as follows:

''(A) the 216–220 megahertz band, the 1432–1435 megahertz band, the 1710–1755 megahertz band, and the 2385–2390 megahertz band of frequencies; and

''(B) any other band of frequencies reallocated from Federal use to non-Federal use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), except for bands of frequencies previously identified by the National Telecommunications and Information Administration in the Spectrum Reallocation Final Report, NTIA Special Publication 95–32 (1995).

''(3) DEFINITION OF RELOCATION COSTS.—For purposes of this subsection, the term 'relocation costs' means the costs incurred by a Federal entity to achieve comparable capability of systems, regardless of whether that capability is achieved by relocating to a, new frequency assignment or by utilizing an alternative technology. Such costs include—

''(A) the costs of any modification or replacement of equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation;

''(B) the costs of all engineering, equipment, software, site acquisition and construction costs, as well as any legitimate and prudent transaction expense, including outside consultants, and reasonable additional costs incurred by the Federal entity that are attributable to relocation, including increased recurring costs associated with the replacement facilities;

''(C) the costs of engineering studies, economic analyses, or other expenses reasonably incurred in calculating the estimated relocation costs that are provided to the Commission pursuant to paragraph (4) of this subsection;

''(D) the one-time costs of any modification of equipment reasonably necessary to accommodate commercial use of such frequencies prior to the termination of the Federal entity's primary, allocation or protected status, when the eligible frequencies as defined in paragraph (2) of this subsection are made available for private sector uses by competitive bidding and a Federal entity retains primary allocation or protected status in those frequencies for a period of time after the completion of the competitive bidding process; and

''(E) the costs associated With the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment.

''(4) NOTICE TO COMMISSION OF ESTIMATED RELOCATION COSTS.—

''(A) The Commission shall notify the NTIA at least IS months prior to the commencement of any auction of eligible frequencies defined in paragraph (2). At least 6 months prior to the commencement of any such auction, the NTIA, on behalf of the Federal entities and after review by the Office of Management and Budget, shall notify- the Commission of estimated relocation costs and timelines for such relocation.

''(B) Upon timely request of a Federal entity, the NTIA shall provide such entity With information regarding an alternative frequency assignment or assignments to which their radio communications operations could be relocated for purposes of calculating the estimated relocation costs and timelines to be submitted to the Commission pursuant to subparagraph (A).

''(C) To the extent practicable and consistent with national security considerations, the NTIA shall provide the information required by subparagraphs (A) and (B) by the geographic location of the Federal entities' facilities or systems and the frequency bands used by such facilities or systems.

''(5) NOTICE TO CONGRESSIONAL COMMITTEES AND GAO.—The NTIA shall, at the time of providing an initial estimate of relocation costs to the Commission under paragraph (4)(A), submit to Committees on Appropriations and Energy and Commerce of the House of Representatives for approval, to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate for approval, and to the Comptroller General a copy of such estimate and the timelines for relocation. Unless disapproved within 30 days, the estimate shall be approved. If disapproved, the NTIA may resubmit a revised initial estimate.

''(6) IMPLEMENTATION OF PROCEDURES.—The NTIA shall take such actions as necessary to ensure the timely, relocation of Federal entities' spectrum related operations from frequencies defined in paragraph (2) to frequencies or facilities of comparable capability. Upon a finding by the NTIA that a Federal entity, has achieved comparable capability of systems by relocating to a new frequency assignment or by utilizing an alternative technology, the NTIA shall terminate the entity's authorization and notify the Commission that the entity's relocation has been completed. The NTIA shall also terminate such entity's authorization if the NTIA determines that the entity, has unreasonably failed to comply with the timeline

for relocation submitted by the Director of the Office of Management and Budget under section 118(d)(2)(B).''.

SEC. 203. MINIMUM AUCTION RECEIPTS AND DISPOSITION OF PROCEEDS.

(a) AUCTION DESIGN.—Section 309(j)(3) of the Communications Act of 1934 (47 U.S.C. 309(j)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

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

''(F) for any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)), the recovery of 110 percent of estimated relocation costs as provided to the Commission pursuant to section 113(g)(4) of such Act.''.

(b) SPECIAL AUCTION PROVISIONS FOR ELIGIBLE FREQUENCIES.—Section 309(j) of such Act is further amended by adding at the end the following new paragraph:

''(15) SPECIAL AUCTION PROVISIONS FOR ELIGIBLE FREQUENCIES.—

''(A) SPECIAL REGULATIONS.—The Commission shall revise the regulations prescribed under paragraph (4)(F) of this subsection to prescribe methods by which the total cash proceeds from any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall at least equal 110 percent of the total estimated relocation costs provided to the Commission pursuant to section 113(g)(4) of such Act.

''(B) CONCLUSION OF AUCTIONS CONTINGENT ON MINIMUM PROCEEDS.—The Commission shall not conclude any auction of eligible frequencies described in section 113(g)(2) of such Act if the total cash proceeds attributable to such spectrum are less than 110 percent of the total estimated relocation costs provided to the Commission pursuant to section 113(g)(4) of such Act. If the Commission is unable to conclude an auction for the foregoing reason, the Commission shall cancel the auction, return within 45 days after the auction cancellation date any deposits from participating bidders held in escrow, and absolve such bidders from any obligation to the United States to bid in any subsequent reauction of such spectrum.

''(C) AUTHORITY TO ISSUE PRIOR TO DEAUTHORIZATION.—In any auction conducted under the regulations required by subparagraph (A), the Commission may grant a license assigned for the use of eligible frequencies prior to the termination of an eligible Federal entity's authorization. However, the Commission shall condition such license by requiring that the licensee cannot cause harmful interference to such Federal entity until such entity's authorization has been terminated by the National Telecommunications and Information Administration.''.

(c) DEPOSIT OF PROCEEDS.—Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in subparagraph (A), by inserting ''or subparagraph (D)'' after ''subparagraph (B)''; and

(2) by adding at the end the following new subparagraph:

''(D) DISPOSITION OF CASH PROCEEDS.—Cash proceeds attributable to the auction of any eligible frequencies described in section 113(8)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act, and shall be available in accordance with that section.''.

SEC. 204. ESTABLISHMENT OF FUND AND PROCEDURES.

Part B of the National Telecommunications and Information Administration Organization Act is amended by adding after section 117 (47 U.S.C. 927) the following new section:

''SEC. 118. SPECTRUM RELOCATION FUND.

''(a) ESTABLISHMENT OF SPECTRUM RELOCATION FUND.—There is established on the books of the Treasury a separate fund to be known as the 'Spectrum Relocation Fund' (in this section referred to as the 'Fund'), which shall be administered by the Office of Management and Budget (in this section referred to as 'OMB'), in consultation with the NTIA.

''(b) CREDITING OF RECEIPTS.—The Fund shall be credited with the amounts specified in section 309(j)(8)(D) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)).

''(c) USED TO PAY RELOCATION COSTS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs, as de fined in section 113(g)(3) of this Act, of an eligible Federal entity incurring such costs with respect to relocation from those frequencies.

''(d) FUND AVAILABILITY.—

''(1) APPROPRIATION.—There are hereby appropriated from the Fund such sums as are required to pay the relocation costs specified in subsection (c).

''(2) TRANSFER CONDITIONS.—None of the funds provided under this subsection may be transferred to any eligible Federal entity—

''(A) unless the Director of OMB has determined, in consultation with the NTIA, the appropriateness of such costs and the timeline for relocation; and

''(B) until 30 days after the Director of OMB has submitted to the Committees on Appropriations and Energy and Commerce of the House of Representatives for approval, to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate for approval, and to the Comptroller General a detailed plan describing specifically how the sums transferred from the Fund xvill be used to pay, relocation costs in accordance with such subsection and the timeline for such relocation.

Unless disapproved within 30 days, the amounts in the Fund shall be available immediately. If the plan is disapproved, the Director may, resubmit a revised plan.

''(3) REVERSION OF UNUSED FUNDS.—Any auction proceeds in the Fund that are remaining after the payment of the relocation costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 8 years after the date of the deposit of such proceeds to the Fund.

''(e) TRANSFER TO ELIGIBLE FEDERAL ENTITIES.—

(1) TRANSFER.—

''(A) Amounts made available pursuant to subsection (d) shall be transferred to eligible Federal entities, as defined in section 113(g)(1) of this Act.

''(B) An eligible Federal entity may receive more than one such transfer, but if the sum of the subsequent transfer or transfers exceeds 10 percent of the original transfer—

''(i) such subsequent transfers are subject to prior approval by the Director of OMB as required by subsection (d)(2)(A);

''(ii) the notice to the committees containing the plan required by subsection (d)(2)(B) shall be not less than 45 days prior to the date of the transfer that causes such excess above 10 percent;

''(iii) such notice shall include, in addition to such plan, an explanation of need for such subsequent transfer or transfers; and

''(iv) the Comptroller General shall, within 30 days after receiving such plan, review, such plan and submit to such committees an assessment of the explanation for the subsequent transfer or transfers.

''(C) Such transferred amounts shall be credited to the appropriations account, of the eligible Federal entity which has incurred, or °-ill incur, such costs, and shall, subject to paragraph (2), remain available until expended.

''(2) RETRANSFER TO FUND.—An eligible Federal entity that has received such amounts shall report its expenditures to OMB and shall transfer any amounts in excess of actual relocation costs back to the Fund immediately after the NTIA has notified the Commission that the entity's relocation is complete, or has determined that such entity has unreasonably failed to complete such relocation in accordance with the timeline required by subsection (d)(2)(A).''.

SEC. 205. TELECOMMUNICATIONS DEVELOPMENT FUND.

Section 714(f) of the Communications Act of 1934 (47 U.S.C. 614(f)) is amended to read as follows:

''(f) LENDING AND CREDIT OPERATIONS.—Loans or other extensions of credit from the Fund shall be made available to an eligible small business on the basis of—

''(1) the analysis of the business plan of the eligible small business;

''(2) the reasonable availability of collateral to secure the loan or credit extension;

''(3) the extent to which the loan or credit extension promotes the purposes of this section; and

''(4) other lending policies as defined by the Board.''.

SEC. 206. CONSTRUCTION.

Nothing in this title is intended to modify section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 207. ANNUAL REPORT.

The National Telecommunications and Information Administration shall submit an annual report to the Committees on Appropriations and Energy and Commerce of the House of Representatives, the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Comptroller General on—

(1) the progress made in adhering to the timelines applicable to relocation from eligible frequencies required under section 118(d)(2)(A) of the National Telecommunications and Information Administration Organization Act, separately stated on a communication system-by-system basis and on an auction-by-auction basis; and

(2) with respect to each relocated communication system and auction, a statement of the estimate of relocation costs required under section 113(8)(4) of such Act, the actual relocations costs incurred, and the amount of such costs paid from the Spectrum Relocation Fund.

SEC. 208. PRESERVATION OF AUTHORITY, NTIA REPORT REQUIRED.

(a) SPECTRUM MANAGEMENT AUTHORITY RETAINED.—Except as provided with respect to the bands of frequencies identified in section 113(g)(2)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)(A)) as amended by this title, nothing in this title or the amendments made by this title shall be construed as limiting the Federal Communications Commission's authority to allocate bands of frequencies that are reallocated from Federal use to non-Federal use for unlicensed, public safety, shared, or noncommercial use.

(b) NTIA REPORT REQUIRED.—Within 1 year after the date of enactment of this Act, the Administrator of the National Telecommunications and Information Administration

shall submit to the Energy and Commerce Committee of the House of Representatives and the Commerce, Science, and Transportation Committee of the Senate a report on various policy options to compensate Federal entities for relocation costs when such entities' frequencies are allocated by the Commission for unlicensed, public safety, shared, or non-commercial use.

SEC. 209. COMMERCIAL SPECTRUM LICENSE POLICY REVIEW.

(a) EXAMINATION.—The Comptroller General shall examine national commercial spectrum license policy as implemented by the Federal Communications Commission, and shall report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce Within 270 days.

(b) CONTENT.—The report shall address each of the following:

(1) An estimate of the respective proportions of electromagnetic spectrum capacity that have been assigned by the Federal Communications Commission—

(A) prior to enactment of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) providing to the Commission's competitive bidding authority,

(B) after enactment of that section using the Commission's competitive bidding authority, and

(C) by means other than competitive bid ding,

and a description of the classes of licensees assigned under each method.

(2) The extent to which requiring entities to obtain licenses through competitive bidding places those entities at a competitive or financial disadvantage to offer services similar to entities that did not acquire licenses through competitive bidding.

(3) The effect, if any, of the use of competitive bidding and the resulting diversion of licensees' financial resources on the introduction of new services including the quality, pace, and scope of the offering of such services to the public.

(4) The effect, if any, of participation in competitive bidding by incumbent spectrum license holders as applicants or investors in an applicant, including a discussion of any additional effect if such applicant qualified for bidding credits as a designated entity.

(5) The effect on existing license holders and consumers of services offered by these providers of the Administration's Spectrum License User Fee proposal contained in the President's Budget of the United States Government for Fiscal Year 2004 (Budget, page 299; Appendix, page 1046), and an evaluation of whether the enactment of this proposal could address, either in part or in whole, any possible competitive disadvantages described in paragraph (2).

(c) FCC ASSISTANCE.—The Federal Communications Commission shall provide information and assistance, as necessary, to facilitate the completion of the examination required by subsection (a).

TITLE III—UNIVERSAL SERVICE

SEC. 301. SHORT TITLE.

This title may be cited as the ''Universal Service Antideficiency Temporary Suspension Act''.

SEC. 302. APPLICATION OF CERTAIN TITLE 31 PROVISIONS TO UNIVERSAL SERVICE FUND.

(a) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on December 31, 2005, section 1341 and subchapter II of chapter 15 of title 31, United States Code, do not apply—

(1) to any amount collected or received as Federal universal service contributions required by section 254 of the Communications Act of 1934 (47 U.S.C. 254), including any interest earned on such contributions; nor

(2) to the expenditure or obligation of amounts attributable to such contributions for universal service support programs established pursuant to that section.

(b) POST-2005 FULFILLMENT OF PROTECTED OBLIGATIONS.—Section 1341 and subchapter II of chapter 15 of title 31, United States Code, do not apply after December 31, 2005, to an expenditure or obligation described in subsection (a) (2) made or authorized during the period described in subsection (a).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PICKERING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5419.

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

There was no objection.

FAREWELL TO THE HOUSE

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

Mr. TAUZIN. Mr. Speaker, today I cast my last vote in this august Chamber, and today I spend my last day with my colleagues here with nearly 25 years of service on behalf of the third congressional district and the great people who live there in Louisiana, and I wanted to take a minute to say goodbye and to say a few words of thanks.

First, I want to thank the good Lord for giving me this week. Were it not for this lame duck session following a year of illness with cancer, I might not have had the chance to come back and spend this week with you where I could renew friendships and thank all of you on a personal level for the many acts of kindness and the extraordinary times we have had together over the last 25 years.

Secondly, I want to thank all of you on both sides of the aisle for the amazing amounts of friendship.

□ 1615

One of our esteemed colleagues who we lost to a brain tumor, Mr. Mike Sarne of Oklahoma, one of my dearest friends, once said the only reason he kept running for reelection was the immense honor and privilege of serving with such an amazing group of men and women who come to this great capital and serve their country and their individual districts and the honor and privilege of getting to know them and to work side by side with them, and I feel that today after this nearly 25-year term of service.

I have served the people of the 3rd district of Louisiana longer than any other Congressman has served, and I have that enormous privilege, and I want to thank them in Louisiana who have shown such patience and such amazing amount of tolerance to put up with the likes of me for the last 25 years.

I have served them 15 years as a Democrat and almost 10 years now as a Republican. I do not know if any other district in America would tolerate a Congressman making those sorts of shifts and turns in a political career as well as the folks in Louisiana have tolerated me, but it has given me some insight, and I want to quickly share them with my colleagues.

Like few people in this Chamber, I have come to know the Members of this side of the aisle for over 15 years, not as partisan enemies, but as friends; and I have come to know now the people on this side of the aisle for the last 10 years, not as partisan enemies but as friends. I wish that all of my colleagues had that opportunity in this House. I wish they could somehow cross this aisle and get to know one another the way we used to know one another in this Chamber.

The politics and personal attacks and personal destruction have almost taken hold in this place in a way that we cannot reverse it, and we need to reverse it soon if this Nation and this institution are to survive.

This institution is a place for diversity, for great clashes of ideas, for great principles to come together and in a great crush of public debate so that it might redefine itself on a regular basis. It is not a place we ought to be constantly attacking each other and questioning one another's motives, but we have somehow gotten there.

I plead with my colleagues as I leave this place, this place that has been so important to me and the folks of Louisiana who have put their faith and trust in me in the last 25 years, please end this system and go back to a time and place where we can begin debating one another and recognizing we all come over here as patriots, as Americans first and as party members second.

I leave with a great fondness for my colleagues, a great amount of appreciation for all the days I have spent with you, and I want to say a fond farewell on behalf of the 650,000 people of Louisiana who have allowed me the chance to work with you. I want to wish you well in the upcoming sessions. I will try to be in touch and to stay close to you as we go forward. You have made for me a home in this Chamber that I shall not forget, and you have given me a most extraordinary honor and privilege of being a part of the greatest democratic institution on the face of the Earth, and I thank you for that and bid you farewell.

APPOINTMENT OF HON. FRANK R. WOLF OR HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH DECEMBER 6, 2004

The SPEAKER pro tempore (Mr. OSE) laid before the House the following Communication from the Speaker:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 20, 2004.

I hereby appoint the Honorable FRANK R. WOLF or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 6, 2004.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
November 20, 2004.

The Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1012(c)(1) of the Medicare Prescription Drug Improvement, and Modernization Act of 2003 42 U.S.C. 242b note, I hereby appoint Dr. Simon P. Cohn, of Oakland, California to the Commission On Systemic Interoperability.

Best regards,

NANCY PELOSI.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Mr. KIRK. Mr. Speaker, I ask unanimous consent to speak out of turn at this time.

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

There was no objection.

THE HUNT FOR BIN LADEN

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

Mr. KIRK. Mr. Speaker, 3 years ago Osama bin Laden was able to run his al Qaeda network freely, thanks to the protection of the Taliban regime. Today, he is on the run, frequently crossing the border between Afghanistan and Pakistan to elude coalition forces.

Last January, I traveled to Pakistan and Afghanistan to determine how Osama bin Laden continues to avoid capture. When I traveled to the Kyber Agency, I was reminded that the State Department had run a very successful rewards program that had previously led to the arrest and capture of Mir Amal Kansi, a terrorist who had murdered two CIA employees and injured three others in a 1993 shooting outside CIA headquarters in Virginia. The promise of a significant monetary reward was enough for some Pakistanis to turn Kansi in to the proper authorities. The program worked before, and it could easily work again.

When I returned, I talked to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and had help from the gentleman from California (Mr. LANTOS), the ranking Democratic member, and we introduced legislation to increase the maximum reward this program could offer from 25 to $50 million for some of the world's most dangerous terrorists. It made sense that we increase the reward for information leading to the capture of Osama bin Laden. Additionally, our bill allowed the State Department to use non-cash awards, and in a rural community, the provision of a truck or feed or farm animals can mean a lot in a rural community which could provide information leading to the arrest of Osama bin Laden.

I am pleased to report this legislation was included in the omnibus appropriations bill that was just passed by the House of Representatives. When the President signs this bill into law, he will give the State Department a new and powerful tool that can be used in the hunt for Osama bin Laden and his senior associates.

Bottom line, with passage of this bill the reward for the arrest of Osama bin Laden can rise to $50 million. The passage of this bill could not come at a more critical moment, as earlier this week both the United Nations and the White House issued their latest estimate for the Afghan poppy harvest for the year. The estimate did not contain good news.

This year, the crop yielded enough poppy to produce 4,950 metric tons of opium. This represented a 239 percent increase in the crop last year. Evidence suggests that Afghanistan is in danger of becoming a narcostate; and worse, we know that al Qaeda and the remnants of the Taliban are now primarily funded by the sale of heroin.

Following the September 11 attack, the U.S. targeted bin Laden's Afghan sanctuary. We destroyed the Taliban's bases and bin Laden abandoned his terrorist training camps and also abandoned his foreign fund-raising efforts; but in their place, he and the Taliban have turned to the sale of heroin to finance terrorism. It appears that bin Laden and his patron, Mullah Omar, plan to rely more heavily on heroin profits than ever before.

The international community wrongly praised the Taliban when Mullah Omar eradicated Afghanistan's poppy crop in 2001. They failed to see that the Taliban only destroyed poppies after it had stored tons of opium paste in its own warehouses. The purpose of Mullah Omar's touted eradication was an effort simply to corner the market on heroin for greater profits.

During my mission to Afghanistan earlier this year, the brave new antinarcotics minister for Afghanistan, Mirwais Yassini, noted that one Afghan drug kingpin, Haji Bashir Noorzai, delivered 2,000 kilograms of heroin every 8 weeks to al Qaeda operatives. At the market price in Pakistan, this one supply chain alone would yield Osama bin Laden $28 million a year. The 9/11 Commission estimated that the September 11 attack cost only $500,000.

Passage of this law shows that we are recognizing the growing connection between bin Laden's finances and the sale of heroin. During consideration of intelligence legislation, I offered an amendment calling for the administration to study the feasibility of bringing the Drug Enforcement Agency back in to the formal intelligence community. My amendment passed unanimously, underscoring how critical it is to recognize the connection between drug cartels and terrorism.

Mr. Speaker, Congress has turned up the heat on bin Laden today. Our new law raises the top award to $50 million. We also allow for rewards to help in the arrest of drug kingpins who finance terror. We also give greater flexibility to paying awards in commodities, such as a truck or grain, that can mean a great deal to a rural family.

I applaud the action of the Congress and urge the President to make full use of his new authority to offer a $50 million award for the arrest of Osama bin Laden.

CONCLUSION OF THE 108TH CONGRESS

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

Mr. HASTERT. Mr. Speaker, I rise today to offer my thoughts on the 108th Congress and the challenges that we face in the upcoming 109th Congress.

The 108th Congress has been dominated by concerns about security. Our constituents are worried about their personal security, and that is not surprising given the war on terror, but they are also concerned about economic security. They are worried about jobs. They are worried about health care, and they are worried about their families, about making this world a better place to live for their children and their grandchildren. They are also worried about the high costs of energy and especially gas and natural gas.

This House has tried to address those concerns.

First and foremost, we supported our President as he led us in the fight against terrorism. We passed a war supplemental this spring that provided our troops with the critical equipment, the weapons, the ammunition and the training, to get the job done in Iraq and Afghanistan.

We have had notable success in Iraq and Afghanistan in the last year. In June, Hamid Karzai, the President of the new Afghanistan addressed a joint session of the Congress; and in September, President Allawi, the President of the new Iraq, also addressed the Congress.

Think about it. Instead of a Taliban regime that abused women and trained terrorists to attack America, we have a democratically elected pro-American President in Kabul. Instead of a brutal dictator who terrorized his own citizens, who intended to develop weapons of mass destruction and who actively supported and funded terrorist organizations in Baghdad, there is a new President of Iraq who is trying to build a democracy.

This is still a tough fight. The terrorists have flocked to Iraq because they know that if they are successful there we will have turned a corner in the war on terror, but we must not turn away now. We must see this to the end.

This is a two-pronged war on terror. As we win the war overseas, we must strengthen our defenses at home.

□ 1630

The 9/11 Commission gave us an important roadmap to strengthening our homeland defenses by improving our intelligence agencies, bolstering our border security and strengthening our anti-terror laws.

The Congress has reacted quickly to this report. Our committees canceled their August break to hold hearings on the recommendations, and we came back in September to start the hard work of the legislation. It is easy to make recommendations, but it is a lot harder to make law.

And since the Commission made its recommendations, the Congress has worked around the clock to make a good law that will make this country safer. We hope to find consensus and to pass the bill before the end of this year.

I am proud of our efforts. Reforming the intelligence agencies is difficult. Our former colleague, Porter Goss, who is now the CIA Director, has found out how hard it is to get entrenched bureaucrats to change. He is doing an excellent job under very difficult circumstances.

The Congress took effective action in the 107th Congress to create a Department of Homeland Security. In the 108th Congress, we made this historic change in our committees to oversee that new department. We created a Select Committee on Homeland Security. We also created a Subcommittee on Homeland Security of the Committee on Appropriations, dedicated to funding our Homeland Security needs. I intend to make the Select Committee permanent in the next Congress. I hope my colleagues will join me in that effort.

As we did our part in the war on terror, we also fought hard to make America more secure on the domestic front. Job security was at the forefront of our efforts. We had an active agenda to spur job growth here in America. This fall, we passed the American Job Creation Act, and this bill cuts taxes for domestic manufacturers so that they can create jobs here.

We also passed the Working Families Tax Relief Act, aimed at helping families keep more of what they earn so they can spend more on their needs. These tax cut measures helped spur steady economic growth and job creation. More than 1.5 million jobs have been created over the last 12 months, thanks in no small part to our efforts here.

This Congress also grappled with health care security. I am proud of the Medicare Reform Act, which for the first time added prescription drug benefits to the Medicare program. Health Savings Accounts were included in that legislation, and now millions of Americans have a chance to use HSAs to get better health care for their own families. I like Health Savings Accounts because they put consumers in the driver's seat when it comes to controlling costs, not government bureaucrats.

Education remains an important part of our domestic agenda. In the 107th Congress, we reacted to the No Child Left Behind law, which greatly increased accountability and increased standards for our Nation's schools. Yesterday, we completed work on a reauthorization of a special education bill that will help free up resources for local schools. We have a responsibility to help all children in our society, and this bill does exactly that.

We also leave this Congress with some unfinished business. I am very disappointed we did not finish the highway bill. A first-class economy needs a first-class transportation system. And while we made great progress by passing the highway bill out of both Chambers, we could not finish the conference report. We will get this done early next year.

I was also disappointed we did not finish the energy conference report. Energy prices are too high, and we are too dependent on foreign sources. The energy conference report that passed the House would have given incentives to American companies to produce energy in America for Americans. Trial lawyers held this bill up. We must overcome their opposition and pass this common-sense approach to energy independence in the next Congress.

We need to pass medical liability reform. Trial lawyers, again, are driving OB/GYNs out of business, making it hard for women in many States to get the health care that they need. We passed it, but it was stopped in the other body. We will finish that job next year, also.

Other liability reform efforts are also important. Class action lawsuits are out of control. Asbestos legislation is killing jobs. And in this country we need to make some real changes so that we can create jobs and not force them overseas. Every time a court claim goes against an American manufacturer, nine times out of ten those jobs go overseas. Each consumer pays a tort tax that puts our products at a competitive disadvantage. We need to reform our tort laws if we are serious about reforming our economy next year.

Next year, we also have other big issues that we need to tackle. Social Security reform is on the agenda. The President campaigned on it. Many of our Members have talked about it. And if we do nothing, the system will go bankrupt. We can do this without raising taxes or cutting benefits for senior citizens. We can do it by giving younger Americans ownership of their retirement to help them get a better return on their investments.

We need to take a serious look at tax reform. Our Tax Code is too complex and too anti-competitive. It costs our citizens $250 billion every year just to prepare their taxes. This is ridiculous. If we want to keep jobs here in America, we need to simplify our tax system. There are a lot of ideas out there, and I hope that we can have a national debate on how best to do that.

We have a fiscal crisis that we must deal with. Our national debt is too high, and our budget deficit is too big. We need to cut spending first. We need to look closely at entitlement programs and spending. We need to reform the government. We need to make this government smaller and smarter. We can make it more efficient. We can weed out waste, fraud, and abuse, and we can get to balanced budgets again as soon as possible.

But as we look at reform in government and cutting the deficit, we should also resist the calls to raise taxes. Growing the economy is the best way to close a deficit. We lost $350 billion of revenue when the Internet bubble burst. Strong, sustained economic growth will bring back those revenues. But we will not get the growth if we raise taxes.

Looking back over this last session of Congress, I am concerned about the bitter partisanship that has engulfed this House. I am especially concerned that some might want to use the Committee on Standards of Official Conduct for partisan politics. Congressional ethics is important. We all have a duty to represent our constituents with the highest ethical standards, but an ethics committee is only as good as the will of its Members.

We should remember why we have this committee in the first place. The ethics process protects the reputations of all of us by investigating abuses by

some of us. But when some seek to subvert that process for political gain, we all suffer. It is wrong to file frivolous and overly partisan ethics complaints.

The House is an interesting institution because it has rules that protect the rights of the minority and it guarantees that the will of the majority be carried out. Unlike in the other body, where the rules tend to encourage bipartisanship, our rules tend to encourage partisanship. In my opinion, we should do a better job of resisting that temptation towards partisanship and work for more bipartisanship.

All too often, both the majority and the minority in the House have retreated to their separate camps, drawing lines in the sand, refusing to negotiate, and the result has been partisanship. That is bitter and counterproductive. We will have fundamental disagreements on many issues. That is the beauty of the two-party system. But we ought to seek a way to bridge those disagreements whenever we can.

I pledge to work with my colleagues in the minority party who want to work with the majority to get good things done. I have great respect for Members like the gentleman from New York (Mr. RANGEL), the gentleman from Michigan (Mr. DINGELL), the gentleman from Wisconsin (Mr. OBEY), and many others. And I have a high regard for the minority leadership. I know that they want the best things for this country, even when I disagree with their approach. We all have a duty to our constituents to make this country as strong as possible. We work best when we work together.

I want to thank all the Members for their patience and for their perseverance. Public service in the Congress of the United States is not an easy vocation and especially hard on families. I want to thank to all the Members for their service to this Nation.

I would also like to thank the dedicated staff, especially the floor staff, legislative counsel, the clerks, and the pages who work long and hard to make this place work. Thank you for your fine service, and thank you from this Nation. God bless you.

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WHERE TO FROM HERE?

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

Mr. PAUL. Mr. Speaker, the election of 2004 is now history. It is time to ponder our next 4 years. Will our country becoming freer, richer, safer, and more peaceful? Or will we continue to suffer from lost civil liberties, a stagnant economy, terrorist threats, and an expanding war in the Middle East and Central Asia? Surely the significance of the election was reflected in its intensity and divisiveness.

More people voted for President Bush than any other Presidential candidate in our history. And because of the turnout, more people voted against an incumbent president than ever before. However, President Bush was reelected by the narrowest margin vote of any incumbent president since Woodrow Wilson in 1916. The numbers are important and measurable. The long-term results are less predictable.

The President and many others have said these results give the President a mandate. Exactly what that means and what it may lead to is of great importance to us all. Remember, the Nation elected a president in 1972 with a much bigger mandate who never got a chance to use his political capital.

The bitter campaign and the intensity with which both sides engaged each other implies that a great divide existed between two competing candidates with sharply different philosophies. There were plenty of perceived differences, obviously, or a heated emotional contest would not have materialized.

The biggest difference involved their views on moral and family values. It was evident that the views regarding gay marriage and abortion held by Senator KERRY did not sit well with the majority of American voters, who were then motivated to let their views be known through their support of President Bush. This contributed to the mandate the President received more than any other issue. But it begs the question: If the mandates given was motivated by views held on moral issues, does the President get carte blanche on all the other programs that are less conservative? It appears that the President and his neo-con advisers assume the answer is yes.

Ironically, the reason the family and moral values issues played such a big role in the election is that on other big issues little differences existed between the two candidates. Interestingly enough, both candidates graduated from Yale and both were members of the controversial and highly secretive Skull and Bones Society. This fact elicited no interest with the media in the campaign.

Both candidates supported the war in Iraq and the continuation of it. Both supported the PATRIOT Act and its controversial attack on personal privacy. Both supported the U.N. and the internationalization under UNESCO, IMF, World Bank, and the WTO. Both candidates agreed that a President can initiate a war without a declaration by Congress. Both supported foreign interventionism in general, foreign aid, and pursuing American interests by maintaining a worldwide American empire. Both supported our current monetary system, which permits the Federal Reserve to accommodate deficit spending by Congress through the dangerous process of debt monetization. Both supported expanding entitlements, including programs like the National Endowment for the Arts, medical benefits, and Federal housing programs. Both candidates supported deficit financing. Both candidates supported increased spending in almost all categories.

Though President Bush was more favorably inclined to tax cuts, this, in reality, has limited value if spending continues to grow. All spending must be paid for by a tax, even if it is the inflation tax, whereby printing press money pays the bills and the tax is paid through higher prices, especially by the poor and the middle class.

The immediate market reaction to the reelection of President Bush was interesting. The stock market rose significantly, led by certain segments thought to benefit from a friendly Republican administration, such as pharmaceuticals, HMOs, and the weapons industry. The Wall Street Journal summed up the election with a headline the following day: Winner is Big Business.

□ 1645

The stock market rally following the election likely will be short-lived, however, as the fundamentals underlying the bear market that started in 2000 are still in place.

More important was the reaction of the international exchange markets immediately following the election. The dollar took a dive and gold rose. This indicated that holders of the trillion dollars slushing around the world interpreted the results to mean that, even with conservatives in charge, unbridled spending will not decrease and will actually grow. They also expect the current account deficit and our national debt to increase. This means the economic consequence of continuing our risky fiscal and monetary policy is something Congress should be a lot more concerned about.

One Merrill Lynch money manager responded to the election by saying, ''Bush getting re-elected means a bigger deficit, a weaker dollar, and higher gold prices.'' Another broker added, ''Four more years of Bush is a gift to the gold markets, more war and more deficits and more division.''

During the Bush administration, gold surged 70 percent, and the dollar lost 30 percent of its value. A weakened currency is never beneficial, although it is argued it helps our exporters. People who work to earn and save dollars should never have the value of those dollars undermined and diminished by capricious manipulation of the money supply by our government officials.

The value of the dollar is a much more important issue than most realize in Washington. Our current account deficit of 6 percent of GDP and our total foreign indebtedness of over $3 trillion pose a threat to our standard of living. Unfortunately, when the crisis

hits, our leaders will have little ability to stem the tide of price inflation and higher interest rates that will usher in a dangerous period of economic weakness.

Our dependency on foreign borrowing to finance our spendthrift habits is not sustainable. We borrow more than $1.8 billion a day. The solution involves changing our policy with regards to foreign commitments, foreign wars, empires overseas, and ever-growing entitlement system here at home. This change is highly unlikely without significant turmoil, and it is certainly not on the administration's agenda for the next 4 years. That is why the world is now betting against the dollar.

When the shift in sentiment comes regarding the U.S. dollar, dollars will come back home. They will be used to buy American assets, especially real property. In the late 1970s it annoyed many Americans when Japan, which was then in the driver's seat of the world economy, started ''buying up America.'' This time a lot more dollars will be repatriated.

It's important to note that total future obligations of the United States government are estimated at well over $70 trillion. These obligations obviously cannot be met. This indebtedness equates to an average household share of the national debt of $474,000!

One cannot expect the needed changes to occur soon, considering that these options were not even considered or discussed in the campaign. But just because they weren't part of the campaign, and there was no disagreement between the two candidates on the major issues, doesn't distract from their significance nor disqualify these issues from being crucial in the years to come. My guess is that in the next 4 years little legislation will be offered dealing with family and moral issues. Foreign policy and domestic spending, along with the ballooning deficit, will be thrust into the forefront and will demand attention. The inability of our Congress and leaders to change direction, and their determination to pursue policies that require huge expenditures, will force a financial crisis upon us as the dollar is further challenged as the reserve currency of the world on international exchange markets.

There will be little resistance to spending and deficits because it will be claimed they are necessary to ''fight terrorism.'' The irony is that PATRIOT Act-type regulations were all proposed before 9–11, and now becoming a costly burden to American businesses. I'm getting more calls every day from constituents who are being harassed by government bureaucrats for ''infractions'' of all kinds totally unrelated to national security. This immeasurable cost from the stepped-up activity of government bureaucrats will further burden our economy as it slips toward recession—and do little to enhance homeland security.

The only thing that allows our borrowing from foreigners to continue is the confidence they place in our economic system, our military might, and the dollar itself. This is all about to change. Confidence in us, with the continuous expansion of our military presence overseas and with a fiscal crisis starring us in the face, is already starting to erode. Besides, paper money—and that's all the U.S. dollar is—always fails when trust is lost. That's a fact of history, not someone's opinion. Be assured trust in paper money never lasts forever.

The problem the country faces is that social issues garnered intense interest and motivated many to vote both for and against the candidates, yet these issues are only a tiny fraction of the issues dealt with at the national level. And since the election has passed, the odds of new legislation dealing with social issues are slim. Getting a new Supreme Court that will overthrow Roe vs. Wade is a long shot despite the promises. Remember, we already have a Supreme Court where seven of the nine members were appointed by Republican presidents with little to show for it.

Though the recent election reflected the good instincts of many Americans concerned about moral values, abortion, and marriage, let's hope and pray this endorsement will not be used to justify more pre-emptive/unnecessary wars, expand welfare, ignore deficits, endorse the current monetary system, expand the domestic police state, and promote the American empire worldwide.

We're more likely to see entitlements and domestic spending continue to increase. There are zero plans for reigning in the Department of Education, Government medical care, farm subsidies, or Federal housing programs. Don't expect the National Endowment for the Arts to be challenged. One can be assured its budget will expand as it has for the last 4 years, with much of the tax money spent on ''arts'' ironically being used to attack family values.

Deficits never were much of a concern for Democrats, and the current Republican leadership has firmly accepted the supply-sider argument that ''deficits don't matter,'' as Vice President CHENEY declared according to Former Secretary of the Treasury Paul O'Neill.

Expenditures for foreign adventurism, as advocated by the neo-cons who direct our foreign policy, have received a shot in the arm with the recent election. Plans have been in the workings for expanding our presence throughout the Middle East and central Asia. Iran is the agreed-on next target for those who orchestrated the Iraq invasion and occupation.

A casual attitude has emerged regarding civil liberties. The post 9–11 atmosphere has made it politically correct to sacrifice some of our personal liberties in the name of security, as evidenced by the PATRIOT Act.

No serious thoughts are expressed in Washington about the constitutional principal of local government. The notion of a loose-knit republican form of government is no longer a consideration. The consensus is that the federal government has responsibility for solving all of our problems, and even amending the Constitution to gain proper authority is no longer thought necessary.

President Eisenhower, not exactly a champion of a strict interpretation of the Constitution, made some interesting comments years ago when approached about more welfare benefits for the needy: ''If all that Americans want is security, they can go to prison. They'll have enough to eat, a bed and a roof over their heads. But if an American wants to preserve his dignity and his equality as a human being, he must not bow his neck to any dictatorial government.'' Our country sure could use a little bit more of this sentiment, as Congress rushes to pass new laws relating to the fear of another terrorist attack.

There are even more reasons to believe the current government status quo is unsustainable. As a nation dependent on the willingness of foreigners to loan us the money to finance our extravagance, we now are consuming 80% of the world's savings. Though the Fed does its part in supplying funds by purchasing Treasury debt, foreign central banks and investors have loaned us nearly twice what the Fed has, to the tune of $1.3 trillion. The daily borrowing needed to support our spending habits cannot last. It can be argued that even the financing of the Iraq war cannot be accomplished without the willingness of countries like China and Japan to loan us the necessary funds. Any shift, even minor, in this sentiment will send chills through the world financial markets. It will not go unnoticed, and every American consumer will be affected.

The debt, both domestic and foreign, is difficult to comprehend. Our national debt is $7.4 trillion, and this limit will be raised in the lame duck session. This plus our U.S. foreign debt breaks all records, and is a threat to sustained economic growth. The amazing thing is that deficits and increases in the debt limit no longer have a stigma attached to them. Some demagoguery takes place, but the limit is easily raised. With stronger partisan control over Congress, the President will have even less difficulty in raising the limit as necessary. It is now acceptable policy to spend excessively without worrying about debt limits. It may be a sign of the times, but the laws of economics cannot be repealed and eventually a price will be paid for this extravagance.

Few in Washington comprehend the nature of the crisis. But liberal Lawrence Summers, Clinton's Secretary of the Treasury and now president of Harvard, perceptively warns of the danger that is fast approaching. He talks of, ''A kind of global balance of financial terror'' that we should be concerned about. He goes on to say: ''there is surely something off about the world's greatest power being the world's greatest debtor. In order to finance prevailing levels of consumption and investment, must the United States be as dependent as it is on the discretionary acts of what are inevitably political entities in other countries?'' An economist from the American Enterprise Institute also expressed concern by saying that foreign central banks ''now have considerable ability to disrupt U.S. financial markets by simply deciding to refrain from buying further U.S. government paper.''

We must remember the Soviet system was not destroyed from without by military confrontation; it succumbed to the laws of economics that dictated communism a failure, and it was unable to finance its empire. Deficit-financed welfarism, corporatism, Keynesianism, inflationism, and Empire, American style, are no more economically sound than the more authoritarian approach of the Soviets. If one is concerned with the Red/Blue division in this country and the strong feelings that exist already, an economic crisis will make the conflict much more intense.

THE CRUCIAL MORAL ISSUE—RESPECT FOR LIFE

It has been said that a society is defined by how it treats its elderly, its infirm, its weak, its small, its defenseless, and its unborn.

The moral issue surrounding abortion and the right to life is likely the most important issue of our age. It is imperative that we resolve the delimma of why it's proper to financially reward an abortionist who acts one minute before birth, yet we arrest and prosecute a new mother who throws her child into a garbage bin one minute after birth. This

moral dilemma, seldom considered, is the source of great friction in today's society as we witnessed in the recent election.

This is a reflection of personal moral values and society's acceptance of abortion more than a reflection of a particular law or court ruling. In the 1960s, as part of the new age of permissiveness, people's attitudes changed regarding abortion. This led to a change in the law as reflected in court rulings—especially Roe vs. Wade. The people's moral standards changed first, followed by the laws. It was not the law or the Supreme Court that brought on the age of abortion.

I've wondered if our casual acceptance of the deaths inflicted on both sides in the Vietnam War, and its association with the drug culture that many used to blot out the tragic human losses, contributed to the cheapening of pre-born human life and the acceptance of abortion as a routine and acceptable practice. Though abortion is now an ingrained part of our society, the moral conflict over the issue continues to rage with no end in sight.

The 1973 Roe vs. Wade ruling caused great harm in two distinct ways. First, it legalized abortion at any stage, establishing clearly that the Supreme Court and the government condoned the cheapening of human life. Second, it firmly placed this crucial issue in the hands of the federal courts and national government. The federalization of abortion was endorsed even by those who opposed abortion. Instead of looking for State-by-State solutions and limiting Federal court jurisdiction, those anxious to protect life came to rely on Federal laws, eroding the constitutional process. The authors of the Constitution intended for criminal matters and acts of violence, except for a few rare exceptions, to be dealt with at the state level. Now, however, conservatives as well as liberals find it acceptable to nationalize issues such as abortion, marriage, prayer, and personal sexual matters—with more federal legislation offered as the only solution. This trend of transferring power from the States to the Federal Government compounds our problems—for when we lose, it affects all 50 States, and overriding Congress or the Supreme Court becomes far more difficult than dealing with a single State.

The issue of moral values and the mandate that has been claimed after the election raises serious questions. The architects of the Iraq invasion claim a stamp of approval from the same people who voted for moral values by voting against abortion and gay marriage. The question must be asked whether or not the promotion of pre-emptive war and a foreign policy of intervention deserve the same acceptance as the pro-life position by those who supported moral values. The two seem incompatible: being pro-life yet pro-war, with a callous disregard for the innocent deaths of thousands. The minister who preaches this mixed message of protecting life for some while promoting death for others deserves close scrutiny. Too often the message from some of our national Christian leaders sounds hateful and decidedly un-Christian in tone. They preach the need for vengence and war against a country that never attacked nor posed a threat to us. It's just as important to resolve this dilemma as the one involving the abortionist who is paid to kill the unborn while the mother is put in prison for killing her newborn.

To argue the invasion and occupation of Iraq is pro-life and pro-moral values is too much of a stretch for thinking Americans, expecially conservative Christians.

One cannot know the true intention of the war promoters, but the policy and its disastrous results require out attention and criticism. Pre-emptive war, especially when based on erroneous assumptions, cannot be ignored—nor can we ignore the cost in life and limb, the financial costs, ant the lost liberties.

Being more attuned to our Constitution and having a different understanting of morality would go a long way toward preventing unnecessary and dangerous wars. I'd like to make a few points about this different understanding:

First: The United States should never go to war without an express Declaration by Congress. If we had followed this crucial but long-forgotten rule the lives lost in Korea, Vietnam, the Persian Gulf, and Iraq might have been prevented. And Instead of making us less secure, this process would make us more secure. Absent our foreign occupations and support for certain governments in the Middle East and central Asia over the past fifty years, the 9–11 attack would have been far less likely to happen.

Second: A defensive war is normally permissable and justified, even required. Just as a criminal who invades our house and threatens our family deserves to be shot on the spot, so too does a nation have the moral duty to defend against invasion or an imminent threat. For centuries the Christian definition of a just war has guided many nations in making this decision.

Third: The best test (a test the chicken hawks who promoted the war refused to take) for those who are so eager to send our troops to die in no-win wars is this: ''Am I willing to go; am I willing to be shot; am I willing to die for this cause; am I willing to sacrifice my children and grandchildren for this effort?'' The bottom line: Is this Iraq war worth the loss of more than 1,200 dead Americans, and thousands of severe casualties, with no end in sight, likely lasting for years and motivating even more suicidal attacks on innocent Americans here at home?

Fourth: Can we as a moral people continue to ignore the loss of innocent life on the other side? Can we as a nation accept the callousness of the war proponents regarding the estimated 100,000 Iraqi civilian deaths? Can we believe these deaths are a mere consequence of our worthy effort to impse our will on an alien culture? Is it really our duty to sacrifice so much to pursue a questionable policy of dictating to others what we think is best for them? Can these deaths be dismissed as nothing more than ''collateral damage,'' and even applauded as proof of the professed progress we are making in our effort to democratize the Middle East? By ignoring the human costs ot the conflict we invite problems, and the consequence of our actions will come back to haunt us.

Fifth: Arguing that the war in Iraq is necessary for our national security is pure fiction; that has something to do with the 9–11 attack or WMDs is nonsense. Our meddling in the Middle East and the rest of the World actually increases the odds of us being attacked again by suicidal guerrillas here at home. Tragically, this is something the neo-cons will never admit.

Sixth: What kind of satisfaction can we achieve from the civil was we have instigated? A significant portion of the killing in Iraq now occurs amongst Iraqis themselves, at our urging. The country is in chaos, despite the assurances of our leaders. Even under the thug Saddam Hussein, Christians at least were protected by the government—whereas today their churches are bombed and many are struggling to escape the violence by fleeing to Syria. There is no evidence that our efforts in the Middle East have promoted life and peace. Tragically, no one expects the death and destruction in Iraq to end anytime soon.

To not be repulsed and outraged over our failed policy undermines our commitment to pro-life and moral values. Of course it's hard for many Americans to be outraged since so few know or even care about cities like Fallujah. The propaganda machine has achieved its goal of ignorance and denial for most of our citizens.

Main Street America will rise up in indignation only after conditionsin the Persian Gulf deteriorate further, many more Americans lives are lost, and the cost becomes obvious and prohibitive. It's sad, but only then will we consider changing our policy. The losses likely to occur between now and then will be tragic indeed.

Though the election did not reflect a desire for us to withdraw from Iraq, it will be a serious mistake for those who want to expand the war into Syria or Iran to claim the election results were an endorsement of the policy of preemptive war. Yet that's exactly what may happen if no one speaks out against our aggressive policy of foreign intervention and occupation.

What can't be ignored is that our activities in the Middle East have stirred up Russian and Chinese animosity. Their concern for their own security may force us to confront much greater resistance that we have met so far in Afghanistan and Iraq.

A Chinese news agency recently reported that the Chinese government made a $70 billion investment commitment in Iran for the development of natural gas resources. This kind of investment by a neighbor of Iran will be of great significance if the neo-cons have their way and we drag Iran into the Afghanistan and Iraqi quagmire. The close alliance between Iranian Shias and their allies in Iraq makes a confrontation with Iran likely, as the neocons stoke the fire of war in the region.

By failing to understand the history of the region and the nature of tribal culture, we have made victory virtually impossible. Tribal customs and religious beliefs that have existed for thousands of years instruct that family honor requires reciprocal killing for every member of the family killed by infidels/Americans. For each of the possible 100,000 Iraqis killed, there's a family that feels a moral obligation to get revenge by killing an American, any American if possible.

Ronald Reagan learned this lesson the hard way in coming to understand attitudes in Lebanon. Reagon spoke boldly that he would not turn tail and run no matter how difficult the task when he sent Marines to support the Israeli/Christian side of the Lebanese civil war in 1983. But he changed his tune after 241 Marines were killed. He wrote about the incident in his autobiography: ''Perhaps we didn't appreciate fully enough the depth of the hatred and complexity of the problems that made the Middle East such a jungle. Perhaps the idea of a suicide car bomber committing mass

murder to gain instant entry to Paradise was so foreign to our own values and consciousness that it did not create in us the concern for the Marines' safety that it should have . . . In the weeks immediately after the bombing, I believed the last thing we should do was turn tail and leave . . . Yet, the irrationality of Middle Eastern politics forced us to re-think our policy there.'' Shortly thereafter Reagan withdrew the Marines from Lebanon, and no more Americans were killed in that fruitless venture.

Too bad our current foreign policy experts don't understand the ''irrationality of Middle Eastern politics.'' By leaving Lebanon, Reagan saved lives and proved our intervention in the Lebanese war was of no benefit to Lebanon or the United States.

Reagan's willingness to admit error and withdraw from Lebanon was heroic, and proved to be life-saving. True to form, many neo-cons with their love of war exude contempt for Reagan's decision. To them, force and violence are heroic, not reassessing a bad situation and changing policy accordingly.

One of the great obstacles to our efforts in Iraq is pretending we're fighting a country. We wrongly expect occupation and ''democratization'' to solve our problems. The notion that the Iraq war is part of our retaliation for the 9–11 attacks is a serious error that must be corrected if we are to achieve peace and stability in the Middle East and security here at home.

We must come to realize that we're fighting an ideology that is totally alien to us. Within that ideology the radical Islamists and the traditional tribal customs are in conflict with more moderate and secular Muslims. We're seen as intruding in this family feud, and thus serve the interests of the radicals as we provide evidence that they are under attack by Western crusaders. With each act of violence the hatred between the two is ratcheted upward, as fighting spreads throughout the entire Muslim world.

Ironically, this fight over religious values and interpretations in the Middle East encourages a similar conflict here at home among Christians. The conservative Christian community too often sounds militantly pro-war. Too many have totally forgotten the admonition ''blessed are the peacemakers.'' This contrasts with the views of some Christians, who find preemptive war decidedly un-Christian. Though civil, the two Christian views are being more hotly contested every day.

A policy that uses the religious civil war within the Muslim faith as an excuse for remaking the entire Middle East by force makes little sense and will not end well. The more we fight and the more we kill the greater the animosity of those who want us out of their family feud—and out of their countries.

It's clear the Christian conservative turnout was critical to the President's re-election. Though many may well have voted for the family/moral values touted by the President and mishandled by Senator KERRY, most agree with the Christian Right that our policy of pre-emptive war in the Middle East is not in conflict with pro-family and pro-life values. This seems strange indeed, since a strong case can be made that the conservation Christian Right, those most interested in the pro-life issue, ought to be the strongest defenders of peace and reject unnecessary preemptive war.

Here are a few reasons why conservatives ought to reject the current policy of preemptive war:

1. The Constitution is on the side of peace. Under the Constitution—the law of the land—only Congress can declare war. The President is prohibited from taking us to war on his own.

2. The Founders and all the early presidents argued the case for non-intervention overseas, with the precise goals of avoiding entangling alliances and not involving our people in foreign wars unrelated to our security.

3. The American tradition and sense of morality for almost all our history rejected the notion that we would ever deliberately start a war, even with noble intentions.

4. The Christian concept of just war rejects all the excuses given for marching off to Iraq with the intention of changing the whole region into a western-style democracy by force, with little regard for the cost in life and limb and the economic consequences here at home.

5. America faces a $7.5 trillion national debt that is increasing by $600 billion per year. Fiscal conservatives cannot dismiss this, even as they clamor for wars we cannot afford.

6. History shows the size of the state always grows when we're at war. Under conditions of war, civil liberties are always sacrificed—thus begging the point. We go hither and yon to spread our message of freedom, while sacrificing our freedoms here at home and eating away at the wealth of the country.

7. Those who understand the most important function of our national government is to provide strong national defense should realize that having troops in over 100 countries hardly helps us protect America, secure our borders, or avoid alienating our allies and potential enemies.

8. The best way to prevent terrorism is to change our policies, stop playing crusader, and stop picking sides in religious civil wars or any other civil wars. ''Blowback'' from our policies is not imaginary.

9. Promoting true free trade and promoting prosperity through low taxes and less regulation sends a strong message to the world and those interested in peace and commerce.

10. A policy of free exchange with other nations avoids the trappings of the new isolationists, who influence our foreign policy with the generous use of sanctions, trade barriers, and competitive currency devaluations. They are only too willing to defer to the World Trade Organization and allow it to dictate our trade and tax policies.

Conservatives who profess to uphold the principle of right-to-life should have little trouble supporting the position of the Founders and the Constitution: a foreign policy of ''peace and commerce with those who choose and no entangling alliances.''

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

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extension of Remarks.)

108TH CONGRESS

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

Mr. PENCE. Mr. Speaker, the 108th Congress is coming to a close. The Congress has essentially finished its work, although we may reconvene, hope springs eternal, and move an intelligence reform bill before Christmas arrives. But, in essence, we are done with much of what we have come to do.

Before we adjourn for rest and reflection with family and friends on Thanksgiving, I thought it would be helpful to reflect on what we have to be thankful for in the 108th Congress, and it is much.

I begin my remarks with two ancient references, one from the sacred texts of the Bible where one generation spoke to another, words of admonition in leadership with these words, ''be strong and courageous and do the work.'' The Founders of this country in 1787 in that summer in Philadelphia crafted these words that are essentially a mission statement for the government of the United States, stating that we the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide the common defense, promote the general welfare and secure the blessings of liberty to ourselves in our prosperity, do ordain and establish this Constitution.

Mr. Speaker, I would argue, against both of those timeless standards, the 108th Congress has excelled. We have been strong and courageous and done the work. We have provided for the common defense. We have promoted the general welfare, and we have secured the blessings of the liberty for ourselves in our posterity.

In the area of providing for the common defense, it scarcely seems that it was just 2 years ago, but in this Congress, following on the heels of having given the President the authority to confront the menacing dictatorship in Iraq, Operation Iraqi Freedom was launched, and Congress was there to support our troops, provide the resources they needed to get the job done in a stunning victory in the spring of last year, but also financing reconstruction in the War Supplemental Appropriations Act and providing our troops the resources that they need to finish the hard work of liberty in the streets of Baghdad and Fallujah.

We have also seen freedom come to other countries like Afghanistan, that elected its first national leader in its 5,000 year history of the region.

We saw daylight come to the regime of Mohammar Khadafi, who responded to U.S. and coalition action in other theaters in the Middle East to give up his weapons of mass destruction program, and in a multilateral way we

supported the administration efforts to confront North Korea's head-long effort to expand its own weapons of mass destruction program.

We have stood by our ally Israel, defending her right of self-defense in construction of the security fence, and we condemned the United Nations' World Court for similarly condemning Israel.

In short, we have in so many ways provided for the common defense and stood by our allies. We have been not only a beacon of freedom but we have been the arsenal of democracy that America calls us to be. This Congress did that.

We have also promoted the general welfare by cutting taxes on working families, small businesses and family farms and extending the tax relief previously effected in the 107th Congress. The 108th Congress pursued economic policies, both in tax relief and in trade, that caused the creation of nearly 2 million jobs in the last year.

Our economy is expanding. Our economy in the world is expanding with new trade agreements in Morocco and in Australia. And even just today, we managed to complete our work on a budget. Beyond spending on national defense and homeland security, even the omnibus spending bill we passed today represents a freeze in nondefense discretionary spending. It is a small return to fiscal discipline on Capitol Hill, but it is a beginning and I applaud it.

We have also secured the blessings of liberty for ourselves and our posterity. And what are the blessings of the liberty, but the faith and family values that make this Nation great. We have stood by the right of Americans to refer to the Creator God in our Pledge of Allegiance. We have passed legislation banning the moral abomination known as partial birth abortion. We have passed the Unborn Victims of Violence Act, reaffirming our belief in the sanctity of unborn human life.

Mr. Speaker, the list goes on, most notably passing on this floor by a majority a constitutional amendment to defend marriage. We have done our work, and we have been strong and courageous, and I rise to commend the 108th Congress of which it has been my privilege to be a part.

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. FRANK of Massachusetts addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Ms. PELOSI) for today on account of the funeral for former Representative Thomas Foglietta.

Mr. TURNER of Texas (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SANDLIN) to revise and extend their remarks and include extraneous material:

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:

Mr. HASTERT, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 519. An act to determine the feasibility of establishing an Indian Tribal Development Corporation; to the Committee on Resources.

S. 1438. An act to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Resources.

S. 1530. An act to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Resources.

S. 1996. An act to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program; to the Committee on Resources.

S. 2154. An act to establish a National sex offender registration database, and for other purposes; to the Committee on the Judiciary.

S. 2605. An act to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1047. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 1630. An act to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

H.R. 2912. An act to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

H.J. Res. 110. Joint Resolution recognizing the 60th anniversary of the Battle of the Bulge during World War II.

H.J. Res. 111. Joint Resolution appointing the day for the convening of the first session of the One Hundred Ninth Congress.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 19, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 1284. To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

H.R. 4794. To amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes.

H.R. 5163. To amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes.

H.R. 5213. To expand research information regarding multidisciplinary research projects and epidemiolgical studies.

H.R. 5245. To extend the liability indemnification regime for the commercial space transportation industry.

ADJOURNMENT

Mr. PENCE. Mr. Speaker, I move that the House do now adjourn?

The motion was agreed to.

Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Wednesday, November 24, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon, (at 4 o'clock and 55 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Wednesday, November 24, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11175. A communication from the President of the United States, transmitting a request for a FY 2005 budget amendment for the Low Income Home Energy Assistance Program in the Department of Health and Human Services; (H. Doc. No. 108–236); to the Committee on Appropriations and ordered to be printed.

11176. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Paul T. Mikolashek, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

11177. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7851] received November 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11178. A letter from the Assistant General Counsel for Legislative and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards for Commercial Warm Air Furnaces; General Provisions for Commercial Heating, Air Conditioning and Water Heating Equipment; Energy Efficiency Provisions for Electric Motors [Docket No. EE-RM/TP-99-450] (RIN: 1904-AA96) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11179. A letter from the Assistant General Counsel for Legislative and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Efficient Program for Certain Commercial and Industrial Equipment: Test Procedures and Efficiency Standards for Commercial Packaged Boilers [Docket No. EE-RM/TP-99-470] (RIN: 1904-AB02) received November 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11180. A letter from the Assistant General Counsel for Legislative and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Efficiency Program for Certain Commercial and Industrial Equipment; Test Procedures and Efficiency Standards for Commercial Air Conditioners and Heat Pumps [Docket No. EE-RM/TP-99-460] (RIN: 1904-AA97) received November 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11181. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Change of Names and Addresses; Technical Amendment; Correction [Docket No. 2004N-0287] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11182. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for India (Transmittal No. 0A-05), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

11183. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with the United Arab Emirates (Transmittal No. DDTC 059-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11184. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Kuwait (Transmittal No. DDTC 089-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11185. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Columbia (Transmittal No. DDTC 092-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11186. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Italy (Transmittal No. DDTC 084-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11187. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services to Japan (Transmittal No. DDTC 088-04), pursuant to 22 U.S.C. 2776(c–d); to the Committee on International Relations.

11188. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and license for the export of defense articles or defense services sold commercially to Italy (Transmittal No. DDTC 090-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11189. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Mexico, Greece, and France (Transmittal No. DDTC 094-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11190. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 095-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada (Transmittal No. DDTC 091-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Mexico (Transmittal No. DDTC 081-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11193. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India (Transmittal No. DDTC 093-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11194. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11195. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on International Relations.

11196. A letter from the Assistant Director for Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11197. A letter from the Assistant Director for Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11198. A letter from the Assistant Director for Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11199. A letter from the Assistant Director for Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11200. A letter from the Assistant Director for Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11201. A letter from the White House Liason, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11202. A letter from the White House Liason, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11203. A letter from the White House Liason, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11204. A letter from the White House Liason, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11205. A letter from the White House Liason, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11206. A letter from the Assistant Director for Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11207. A letter from the Asst. Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11208. A letter from the Asst. Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11209. A letter from the Director, Office of Human Resources Mgmt., Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11210. A letter from the Attorney Advisor, Research and Special Programs Administration, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11211. A letter from the Counsel to the Inspector General, General Services Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11212. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2004 Performance and Accountability Report, pursuant to the Reports Consolidation Act of 2000, the Federal Financial Management Improvement Act, and the Federal Managers Financial Integrity Act; to the Committee on Government Reform.

11213. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Political Committee Status, Definition of Contribution, and Allocation for Separate Segregated Funds and Nonconnected Committees [Notice 2004-15] received November 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

11214. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule — Coordinated and Independent Expeditures by Party Committees [Notice 2004-14] received November 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

11215. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 090204B] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11216. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 092004B] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11217. A letter from the Director of Finance, U.S. Capitol Historical Society, transmitting the audited financial statements of the United States Capitol Historical Society for the year ended January 31, 2004, pursuant to 36 U.S.C. 1103, 1213, and 40 U.S.C. 193m–1; to the Committee on the Judiciary.

11218. A letter from the Secretary, Department of Homeland Security, transmitting a report on the progress of activities regarding a housing demonstration project on or near the Coast Guard installation at Kodiak, Alaska, dated September 2004, pursuant to 14 U.S.C. 687(g)(4); to the Committee on Transportation and Infrastructure.

11219. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30418; Amdt. No. 3100] received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11220. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals (RIN: 3245-AE92) received November 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11221. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2004-69) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11222. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2004-70) received November 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11223. A letter from the Inspector General, Coalition Provisional Authority, transmitting the combined Quarterly Report and Semiannual Report to the U.S. Congress by the Inspector General of the Coalition Provisional Authority (CPA-IG), responding to the requirements of Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriation for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) and pursuant to the Inspector General Act of 1978 (Pub. L. 95-452); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 885. A bill 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; with an amendment (Rept. 108–793). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 866. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, and providing for consideration of the joint resolution (H.J. Res. 114) making further continuing appropriations for the fiscal year 2005, and for other purposes (Rept. 108–794). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. UPTON:

H.R. 5419. A bill to amend the National Telecommunications and Information Adminstration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E-911 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system; and to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time; to the Committee on Energy and Commerce. considered and passed.

By Mr. MARKEY:

H.R. 5420. A bill to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 5421. A bill to prohibit the Administrator of the Environmental Protection Agency from taking certain actions that would allow a publicly-owned treatment works to divert flows to bypass a portion of its treatment facility; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Florida:

H. Con. Res. 528. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 4818.

By Mr. EHLERS:

H. Con. Res. 529. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. PRICE of North Carolina (for himself, Mr. BILIRAKIS, Mrs. MALONEY, Mrs. EMERSON, Ms. LEE, Mr. EHLERS, Mr. MCGOVERN, Mr. ANDREWS, Ms. ROS-LEHTINEN, Mr. WEINER, Mr. SCOTT of Virginia, Mr. BRADLEY of New Hampshire, Mr. VAN HOLLEN, Mr. PAYNE, Mr. SHIMKUS, Mr. MILLER of North Carolina, Mr. ETHERIDGE, Mr. TANNER, Mr. MOORE, Mrs. TAUSCHER, and Mr. UDALL of New Mexico):

H. Con. Res. 530. Concurrent resolution encouraging The Former Yugoslav Republic of Macedonia (FYROM) and Greece to continue negotiations to determine a mutually acceptable official name for the FYROM, and for other purposes; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. BALLENGER, Mr. BERMAN, and Mr. GALLEGLY):

H. Res. 867. A resolution expressing support for the work of the National Endowment for Democracy in Venezuela; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. DUNCAN.

H.R. 235: Mr. ALEXANDER and Mr. ROGERS of Kentucky.

H.R. 2068: Mr. CUNNINGHAM.

H.R. 2442: Mrs. DAVIS of California, Mrs. JO ANN DAVIS of Virginia, Mr. WATT, Mr. RANGEL, and Mr. UDALL of Colorado.

H.R. 3341: Mr. DAVIS of Alabama.
H.R. 3729: Mr. KENNEDY of Rhode Island and Mr. HASTINGS of Florida.
H.R. 3758: Mr. HASTINGS of Florida and Mr. MORAN of Virginia.
H.R. 3965: Mr. ANDREWS.
H.R. 4006: Ms. HERSETH.
H.R. 4156: Mr. JOHNSON of Illinois.
H.R. 4367: Mr. HASTINGS of Florida.
H.R. 4830: Mr. HONDA.
H.R. 4910: Mr. HASTINGS of Florida.
H.R. 5193: Mr. MARIO DIAZ-BALART of Florida, Mr. NORWOOD, Mr. SAXTON, Mr. FOLEY, Mrs. BIGGERT, Mr. SOUDER, Mr. PLATTS, Mr. ROTHMAN, Mr. ISRAEL, Mr. ANDREWS, Mr. BLUNT, Mr. BELL, Mr. BOEHLERT, Mr. SHIMKUS, Mr. SULLIVAN, Mr. MICA, Mr. JOHNSON of Illinois, Mr. BACHUS, Mr. NUNES, and Mr. MENENDEZ.
H.R. 5342: Mr. PALLONE.
H.R. 5374: Ms. HARMAN.
H.R. 5384: Mr. FEENEY.
H. Con. Res. 276: Mr. KUCINICH and Mr. NADLER.
H. Con. Res. 392: Ms. MILLENDER-MCDONALD.
H. Con. Res. 468: Mr. MOORE.
H. Con. Res. 517: Mr. CAPUANO. Mr. MCDERMOTT, Mr. FROST, Ms. LEE, and Mr. RODRIGUEZ.
H. Res. 45: Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. UDALL of New Mexico, and Ms. HERSETH.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Ms. LEE on House Resolution 748: Jerry F. Costello and Rob Simmons.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, SATURDAY, NOVEMBER 20, 2004 No. 135

Senate

The Senate met at 11 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.

O Lord our God, You are the fountain of all wisdom. We will praise Your mighty deeds and Your power to save. Teach us how to trust You completely, for You are our mighty protector. Help us to see that You know our hearts and plan to prosper us and to give us abundant life. Guide us along right paths, so that we depend upon Your providence and follow Your precepts. Make us a nation that acknowledges Your sovereignty and seeks You in all of life's seasons.

Today, strengthen the Members of this body. May people be attracted by the strength and beauty of their lives. Let those who watch their deliberations be impressed by their impartiality and by their desire to always do right. Empower them to administer the affairs of this Nation faithfully and wisely. We pray in Your strong Name.

Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we are convening for this unusual Saturday session with the hope of finishing our work and adjourning the 108th Congress. We anticipate the omnibus conference report will arrive from the House of Representatives today. In all likelihood that would be early to mid-afternoon. I hope we will be able to have a short period of debate and then proceed to a vote on adoption of that conference report.

Once the report arrives officially from the House of Representatives—again, I think it is going to be early to midafternoon, possibly around 2 o'clock—we would like to go to that bill at that point in time. As you can see before me, we have the copies, both here and each of the cloakrooms have several copies at this point in time. I know people have been interested and have been looking through the copies of that report. But we will be prepared to go to it this afternoon.

One of the issues we will be checking with also, over the course of the rest of the morning and early afternoon, is to ask Members how much time they do want to spend on debate and how much debate time will be necessary in order that we can advise our colleagues with regard to their schedules.

In addition, over the night—which was a long night for many people, both staff as well as Members, in bringing to a close the 108th Congress—there was a lot of work on the intelligence reform bill, the 9/11 intelligence reform bill. Huge progress has been made over the last 24 hours under the leadership, from the Senate side, of Senator COLLINS, joined by Senator LIEBERMAN and, indeed, they have done yeoman's work in bringing us to this point. So if that conference report becomes available, we may also be considering intelligence reform over the course of the day.

A third issue that we have spent a lot of time with yesterday and through last night and over the course of the morning is the nominations. People do not realize that in our calendar right now there are over 200 nominations pending that we either need to wrap up today or it will be in the next Congress. It is not 10 or 20 or 50 or 100; it is almost 200 nominations that have been held up for various reasons. But they made it to the calendar and I am very hopeful that over the course of the next several hours we can reach an agreement to address all 200 or so of those pending nominations. Many people are working on that. I just encourage our Members to continue to work on that.

These individuals have accepted the call to public service in many different capacities. Yet because of inactivity on the floor of the Senate, they are going to be just a name in that book where if we can act on that, they will be allowed to proceed. They have gone through the entire process. I know it is incumbent upon us to act. We just have to find a way to confirm these noncontroversial executive nominations before we finish our work.

MIDDLE EAST PEACE

I want to comment on two things. First is a resolution we passed yesterday, last night, in support of democracy in the Middle East. On November 12, the President of the United States and the Prime Minister of England articulated their joint resolve to press for a peaceful resolution to the Palestinian-Israeli conflict. Specifically, they support the creation of a Palestinian State that is peaceful, that is democratic, that is free, and that is based and grounded on the rule of law, that will include free press and free speech and an open political process and religious tolerance.

Last night, here in the Senate, we voted unanimously to ratify this vision. It is our hope that both parties to the roadmap will follow it to a peaceful resolution. With courage and determination on both sides, we believe, in fact we know, that peace can be achieved.

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

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POLITICS OF DECENCY

One final issue I want to spend a few minutes talking about is the people's expectation of how this body should function as we come together after what we know have been tough, competitive elections. Two days ago I had the opportunity to travel with Senator DASCHLE and a number of Senators and House Members to the opening of the Clinton Library, and it was remarkable, while I was there, the number of people from other countries—there was a huge delegation from other countries—who came forward and spoke about the remarkable flexibility, pliability, resilience of America in coming together after tough elections, aggressive elections. Within a week or 2 weeks, we come together. That is what the American people expect and that is characteristic of America.

To accomplish the people's work, the Senate and Senators, the Members of this body, must work together and do work together. They must work toward consensus. They must conduct their affairs with respect for each other and with civility. They must practice those politics of decency.

In my office, just down the hall, one of my predecessor Republican leaders, Everett Dirksen, has a portrait on the wall there. It reminds me that he was often an ardent antagonist of Democratic administrations. He broke with some in his party to lead the Nation's Republicans in support of the laws that ended legal racial discrimination in this country. He acted because he knew he was doing the right thing and the reasonable thing and the moral thing. He acted because the Nation needed, the Nation deserved, racial equality, and in acting he had to work with members of the other party. Indeed, he did, and he could. He had strong personal relationships with President Lyndon Johnson and the Democratic leader, Mike Mansfield. He worked alongside them to pass the historic 1964 Civil Rights Act and the groundbreaking 1965 Voting Rights Act. But without his will to cooperate, in all likelihood, neither would have become law.

And Dirksen cared about keeping a civil atmosphere in Washington, DC. In 1969, he even rode in that Presidential inauguration with President-elect Nixon and President Johnson in an effort to smooth the troubled relationship between those two statesmen.

In the last 4 years, with civility and the will to work together, we set tough new standards in fields such as education, with No Child Left Behind. We created the Department of Homeland Security, again coming together and working on the issue with great civility. I have been proud to work with numerous colleagues on issues important to me—with Senator KERRY aggressively, over a period of about a year, on issues surrounding AIDS and malaria and tuberculosis. I was deeply proud to work with my distinguished colleague from Louisiana, JOHN BREAUX, as we fashioned over the last several years, culminating last year, a Medicare modernization package that extended, for the first time in the history of Medicare, prescription drug coverage to seniors; and with Senator RON WYDEN on flexibility and accountability in education, and Senator KENNEDY on issues surrounding public health and bioterrorism.

Throughout our history, indeed, America has been governed best when the women and men of the Senate—and I should also add the House of Representatives—and the Executive have treated each other with respect and with civility and with decency. A lot of it comes down to personal relationships, which a lot of people don't see but really is the heart of this body. Rule XIX says—I don't need to remind my colleagues of the clear message of rule XIX of this body:

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to Senators any conduct or motive unworthy or unbecoming a Senator.

The American people have sent us a clear message as well. They want to move America forward, but they want to make sure we do it in a way that shows respect for one another. They reelected a Republican President, chose significant Republican majorities in both the House of Representatives and the Senate, but regardless of whether we are Republicans or whether we are Democrats, we all take the same pledge, which our new Senators will be doing in early January, to defend the same Constitution. It is our duty to represent all Americans. The American people expect us to work together, the American people want us to work together, and they deserve to have us work together.

I know that all of my colleagues on both sides of the aisle share the same ultimate goal of a safer America, a more prosperous America, and a healthier America, and that none of us want to be thought of as blanket obstructionists to accomplishing this goal. We want to move with civility, with cooperation, working toward consensus. But all too often, as we all know—we have seen it in this body and outside the body and in committees—people tend to lean to partisan bickering. We need to move away from that because we have all seen that it does get in the way of our genuine, our shared desire to move America forward.

Many believe things have worsened over time here in comparison to the way it may have been 15 years ago or 30 years ago. It is true that Senators of different parties rarely get together, or clearly don't get together as much as they did in more distant times. We come together for floor votes and we come together for occasional Senate dinners and we come together for weekly prayer breakfasts, many of us, but clearly we haven't generated those opportunities nearly as much as they were in the past.

Every year, more and more people are commenting on the partisan divide and the bickering and the sniping back and forth. As my distinguished colleague, Senator DASCHLE, has said, it is not enough to say that society has become divided and throw up your hands. We have a higher responsibility, he says, and I quote his words, ''to try to bridge the divide, not simply mirror or exploit it.'' I simply could not agree with that more.

At the Clinton Library opening 2 days ago we had the opportunity to spend a couple of hours together. It was a tremendous ceremony, the opening of that library. But as we sat there, we very specifically talked about how best this institution can be served by moving toward greater civility, more opportunities for us to come together. Civility in this body has eroded over time, and it will take time and a renewed commitment, maybe a new commitment for many, but a renewed commitment to regain it. But we have got to begin.

I think we have a great opportunity to begin in the coming weeks. We have had other Members of this Chamber who have already begun much of this task. I want to highlight the recent bipartisan orientation sessions that the Senator from Delaware, Mr. CARPER, along with my colleague from Tennessee, Senator ALEXANDER, along with Senator MARK PRYOR and Senator GEORGE VOINOVICH, put together. When they first brought this idea to us, both Senator DASCHLE and I said: Yes, absolutely, let's do it. Indeed, over 4 days this past week, starting Sunday, Monday, Tuesday, Wednesday, the nine newly elected Senators from both parties were together for the better part of each and every one of those days addressing how they can best serve their constituents and, indeed, the American people. They were joined by their spouses. They had lively discussions. They had meals together. They had dinner and conversation well into the night each of these evenings. I think it is a tremendous foundation for what we all need to make a renewed commitment to do in the coming weeks and months in this body.

Tip O'Neill, who would sit and swap stories with President Reagan after hard days fighting on everything from appropriations to welfare reform, liked saying, in a quotation we all hear again and again, ''We should all be friends after 6 p.m.''

At the same time, we all know that in this body, we have two parties and we have two very different views of how to get to that common goal. So we don't expect Senators to compromise their principles in any way. We don't expect Republicans to stop being Republicans or Democrats to stop being Democrats, and it takes effective spokesmen on both sides of the aisle to articulate those principles. The principles we stand for both as parties and as caucuses do reflect some very different visions. In some cases, they can

be serious and in some ways quite fundamental, but when it comes to the details of policy, we can and should move together and have discussions with civility to move toward consensus.

We face an imperative to reduce the deficit by keeping spending in check, but without raising taxes and stifling job growth.

We must transform our health care system into one that puts people and their doctors first and puts the doctor-patient relationship in charge.

We do need to confirm judges who justly and independently interpret the law.

We can't move America forward unless we do these things, and we can't do these things unless we do work together. Doing this and improving the environment and the tenor of this body is going to require a lot of hard work. We will need more good ideas devised by Senators ALEXANDER, CARPER, PRYOR, and VOINOVICH.

We should give strong consideration to the proposals my colleague Senator DASCHLE made several months ago such as all-Senate policy forums to discuss the issues of the day, and bipartisan leadership meetings which bring leadership together. These are all great suggestions, fruitful suggestions, and great starting points and productive ideas.

Senator REID and I have already begun to discuss ideas on how to achieve this, again working together to make my ideas and his ideas a reality.

Senators on both sides of the aisle should know that as we approach these issues, accomplish this, and their ideas we ask them to bring forward.

In closing, the traditions, rules, and customs of the Senate rest on a foundation of civility. That is why we have rules that are in print, a body of rules. Then we have this whole element of tradition and precedent which is so important to this body.

We have essential work ahead of us as we all begin to plan and look at the next Congress. We are stewards of rich Senate traditions and stewards of constitutional principles that simply must not be undone. We are leaders elected by the American people for one simple purpose; that is, to move America forward. Doing it is going to require a lot of work. It will require a lot of consensus building, and above all it will require civility.

I look forward to working with our leadership and working jointly with the Democratic leadership to make that our goal and to implement and incorporate whatever we need to do in this body so we indeed can achieve that goal.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Ms. MURKOWSKI). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period of morning business with Senators permitted to speak for up to 10 minutes each.

ORDER OF PROCEDURE

Mrs. HUTCHISON. Madam President, I wanted to ask if we could put an order in place, that Senator ALLARD speak first, then myself, and Senator ALLEN. I would like to protect our places, if that would be possible. I ask unanimous consent that Senator ALLARD be recognized, after which I would be recognized, after which Senator BOND would be recognized, then Senator ALLEN and Senator STEVENS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado.

COMMENDING THE MAJORITY LEADER

Mr. ALLARD. Madam President, first of all I would like to recognize the strong leadership that we receive from the majority leader. I think he needs to be complimented for his inclusive leadership. We have accomplished a lot this session because of his efforts.

TRIBUTES TO RETIRING SENATORS

BEN NIGHTHORSE CAMPBELL

Mr. ALLARD. Madam President, I take a moment to talk about 4 colleagues whom I have had an opportunity to serve with in the Senate.

First of all, I want to talk about my colleague from the State of Colorado, who is not going to be with us as we go into the waning days of the 108th Congress.

I had an opportunity to get to know BEN CAMPBELL in the Colorado General Assembly. In 1982, he was elected to the State house and I was elected to the State senate. It was not long before the buzz in the Capitol was all about this great Native American whom we had serving in the State house who brought to the Capitol some common sense from western Colorado, an individual who in his own right had already gained some national notoriety.

Senator CAMPBELL came from a family that was somewhat dysfunctional. It was a poor family. He joined the Air Force. While he was serving in the Air Force, he had an opportunity to get his GED. He served in Korea. While serving in the Air Force, he also spent some time in Japan where he received some judo training. He became a member of the first Olympic judo team representing the United States. He had the distinction of carrying the flag representing the whole United States entourage that was there participating in the Olympics.

This individual brought a considerable amount of national notoriety to the Colorado General Assembly. But he became even more respected because of his firm conviction, his hard work, and his commitment to small business, and to water issues of the western slope in the State house district he represented. In fact, having finished his first term, he was recognized as one of the 10 best legislators in the Colorado General Assembly. He had an opportunity to serve for about three terms and took on an incumbent congressman. He won that particular race and ended up in the U.S. House of Representatives in 1986; then got elected to the U.S. Senate in 1992, and reelected in 1998.

During this period of time, I had an opportunity to be able to establish a personal relationship with Senator CAMPBELL in the State legislature. I respect a lot of the values he brought to the legislature. I had an opportunity to work with him for a short period of time in the U.S. House of Representatives. He certainly was a team player and somebody whom I felt I could work with. I looked forward to the opportunity when I could serve with him in the Senate. While serving here in the Senate, we became known as a team representing the interests of Colorado, which has been pretty effective. A lot of the issues that are important to the State of Colorado we were able to accomplish. A lot of it was because he was willing to take on the responsibilities of the Appropriations Committee. Representatives from Colorado ordinarily didn't seek out these committees, but he made a big difference.

I consider it a great pleasure to be able to serve with him. I consider him family. Not only are we close friends, but my niece married his son. I have the greatest respect for the Campbell family. They are great Americans and I am pleased to be considered part of his family.

DON NICKLES

Mr. ALLARD. Madam President, I also want to take a moment to talk about another colleague, DON NICKLES, who has had a long and distinguished career as we move into the waning days of the 108th Congress.

He brought to this Congress a perspective from the private sector. I am a small businessman. I grew up in the private sector. In my view, too few of us have had to meet the challenges and meet a payroll. I think it affects how you view rules and regulations and taxes.

Senator NICKLES from Oklahoma became a strong advocate of small business issues and worked hard to hold down the tax burden and regulatory burden.

I had an opportunity to serve with him when he was chairman of the Budget Committee, and I very much appreciated his leadership on that committee.

I also appreciated the opportunity to be able to work with him in holding down and actually eliminating the death tax which has such devastating effects on small business.

During his many years here in the Congress, he has been an individual who maintained integrity in the process.

PETER FITZGERALD

Mr. ALLARD. Madam President, I want to express my appreciation for the hard work of PETER FITZGERALD. I am disappointed he is only serving one term in the Senate. It is a voluntary decision that he made to step down after one term.

His family has business interests in Colorado. I have enjoyed working with him, particularly when we served on the Agriculture Committee, and I began to respect his values as well as his work ethic.

ZELL MILLER

Mr. ALLARD. Madam President, I wish to take a moment to recognize ZELL MILLER, who replaced Paul Coverdell. He is someone I have grown to admire during my service here in the Senate. He is a principled individual and truly represents his great State of Georgia.

With each day of this session, I continue to admire his strength and tenacity and ability to stand up for what he believes is right.

I view these four individuals as four individuals who have distinguished themselves in my mind and four individuals whom I have appreciated having the opportunity to serve with in the Senate and whom I hold in great esteem. I wish them the very best as they pursue life's journey, having served in a distinguished way in the Senate. I wish them the very best and Godspeed.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to say goodbye to several of my colleagues, dear friends and colleagues with whom I have had the pleasure to work in the Senate.

DON NICKLES

I start with Senator DON NICKLES. We say goodbye to DON NICKLES of Oklahoma who leaves after spending 24 years in the Senate, but not spending much else. As chairman of the Budget Committee, his philosophy of smaller government and fiscal prudence often reminded this Chamber of our duty to be good stewards of the taxpayer dollars. DON did not back down but always held his ground, demonstrating his perseverance and conviction.

He was first chosen by his colleagues for a leadership position in 1988 as the chairman of the National Republican Senatorial Committee. He was next elected to the first of three terms as chairman of the Republican Policy Committee, and in 1996, 1998, and 2000, he was elected unanimously to be assistant Republican leader.

He was the principal sponsor of the 2003 economic growth package which cut the tax on dividends, reduced the capital gains rate, raised the child tax credit to $1,000 per child, and reduced the marriage penalty. My friend also led efforts to reform the Internal Revenue Service. He helped enact the Nation's first balanced budget in three decades and passed laws to make Members of Congress accountable to the same laws as everyone else.

On a personal note, he worked with me on the marriage penalty. I could not have passed my bill to reduce the marriage penalty on married couples in our country without DON NICKLES' strong backing and leadership.

I will never forget the first time I met DON. It was at the Republican National Convention in Dallas, TX. DON was a young man and he had just been elected to the Senate, and everyone was referring to him as Senator. I assumed, because he was so young, that he must be a State senator. As I left, I said to him, you must have a long and great career ahead of you. I am sure you will run for higher office some day, thinking he was a State senator. But, in fact, he was a U.S. Senator already and was the youngest Member at the time.

He is the gold standard for principled conservatives who stand tall for their beliefs and work hard for their constituents.

As a Texan I may say there are times I am not fond of certain Oklahoma college football teams, I have always been proud of Oklahoma's DON NICKLES and honored to call him a neighbor.

BEN NIGHTHORSE CAMPBELL

Senator BEN NIGHTHORSE CAMPBELL is one of the best friends I have in the Senate. I am particularly going to miss him. He commands more attention than a Harley Davidson with straight pipes.

He brought a wealth of experience and perspective to the Senate that enriched all of our deliberations. Let me list, in no particular order, some of these experiences. He was a fruit picker, a deputy sheriff, the captain of the U.S. judo team in the 1964 Tokyo Olympics. He is a horse trainer, a rancher, a fabulous jewelry artist, and chief of the Northern Cheyenne tribe.

He also has served the people of Colorado as their Senator, both as a Democrat and a Republican. He is a renaissance man in every sense of the word. He can ride a Harley Davidson like a genuine biker because he is the real thing. On his motorcycle or on the Senate floor in his pony tail and sunglasses or in his business suit, he has unabashedly defended the values and interests of Americans of all incomes and backgrounds. This stems from his pride in our great country.

I remember when he decided it was time for the Capitol Police to buy American and trade in their Japanese-made motorcycles for Harleys. He said in his typical upfront style that the Japanese bikes made the police look like ''pizza delivery boys'' and they are not fast enough to catch crooks. Needless to say, the Capitol Hill motorcycle police are now equipped with Harleys.

One of BEN's most prominent contributions is now visible on our mall, the National Museum of the American Indian. He initiated the legislation to found this museum within the Smithsonian, and the beautiful building housing priceless collections of American Indian artifacts and art work is a tremendous legacy of BEN NIGHTHORSE CAMPBELL: my friend, my colleague, and biker buddy.

PETER FITZGERALD

It is often an uphill battle for a freshman Senator to make an impact, but Senator PETER FITZGERALD, a former commercial banking attorney, has chaired or led investigations of corporate accounting fraud, mutual fund industry abuses, chronic underfunding of employee pensions and waste, fraud and mismanagement in Federal agencies.

In 2004, he proposed comprehensive, bipartisan mutual fund reform legislation to protect the household, college, and retirement savings of 95 million Americans. This bill, endorsed by consumer groups and reform-minded industry leaders, points the way for future legislation on this subject.

The Senator also focused on consumer safety issues. In 2000 he led a successful drive to modernize outdated Federal testing and safety standards for child car seats. In 2002, he drafted and President Bush signed into law a followup measure known as Anton's Law, to upgrade Federal testing and standards for child booster seats and to require automakers to improve car safety features.

I wish him well in his future endeavors.

TOM DASCHLE

I wish Senator TOM DASCHLE well as he moves on to new challenges. As his party's leader in the Senate he was smart and determined. TOM is an exemplar of the American story. He grew up as the eldest of four brothers and became the first in his family to graduate from college, with a political science degree from South Dakota State University.

He then served 3 years as an intelligence officer for the U.S. Air Force Strategic Air Command.

He secured a job as an aide to South Dakota Senator James Abourezk. From there, he rose to the highest job in the Senate, Senate majority leader.

TOM DASCHLE married Linda Hall and they are the parents of three children. He is proof that hard-working Americans can make a difference.

FRITZ HOLLINGS

From the day I first arrived in the Senate, until today, Senator HOLLINGS has been a force in the Senate. His institutional memory, his command of the issues, and his speaking style are recognized from both sides of the aisle.

He has been a tireless advocate of his State and his political beliefs, earning him a role as one of the Senate's elder statesmen.

Senator HOLLINGS fought in World War II, won his first election at age 26, served as the youngest Governor of his

State, and was elected to seven terms in the Senate. Incredibly, FRITZ HOLLINGS was in public service since 1948 and somehow managed to be his State's junior Senator until 2 years ago. It must be something in the water in South Carolina.

During his career, Senator HOLLINGS has had an impact on a wide range of legislation, including measures to protect the environment, balance the budget, and update telecommunications law.

I am very appreciative of his initiation of a nationwide effort to combat breast and cervical cancer by utilizing his seat on the Appropriations Committee to secure funding for a pilot screening program. This will be one of the many lasting legacies of FRITZ HOLLINGS.

BOB GRAHAM

Senator BOB GRAHAM, a former two-term Governor of the sunshine State, has compiled a record of achievement in the Senate which included portions of the PATRIOT Act. When it comes to environmental, tax, energy, and education issues, he has been a strong voice in Congress.

One of the greatest legacies of Senator GRAHAM is the Florida Everglades. The rich flora and fauna of the Everglades were threatened by development, but then-Governor GRAHAM pushed through legislation to protect it. Future generations of Americans who visit the Everglades should remember his contribution to saving this national heritage.

JOHN BREAUX

Madam President, Senator JOHN BREAUX is a voice of moderation and bipartisanship. He helped pass landmark welfare reform under a previous administration, and has consistently been able to work with Members of the other side of the aisle whether his party has been in the majority or minority.

His commonsense approach to energy legislation and many other issues will certainly be missed. He helped defeat the Btu tax which was so injurious to the energy industry in both my State of Texas and his State of Louisiana.

Senator BREAUX was the youngest Member of the House of Representatives when he was elected, at age 28, in 1972. He served in the House for 14 years before being elected to fill the legendary Senator Russell Long seat in 1986. You would think Washington would change someone after all that time, but John is still a Cajun through and through and sees the world with a sense of humor that keeps everything in perspective.

I will miss JOHN BREAUX. He was often an ally on transportation, energy, and telecommunications issues. Even when we were on opposite sides in a debate, he brought wisdom, experience, and a willingness to work in a bipartisan fashion to the Senate.

And no, JOHN, Louisiana cannot annex Texas.

JOHN EDWARDS

Madam President, we must also say farewell to a freshman Senator who is now a household name in the United States. No one who has met JOHN EDWARDS can fail to like him and respect him.

Senator EDWARDS rose from humble beginnings to come close to being elected Vice President of the United States. The first member of his family to gain a college education, he went on to earn a law degree from the University of North Carolina at Chapel Hill. He built a hugely successful law practice before he entered public service.

Senator EDWARDS was a chief sponsor of the bipartisan Patient Protection Act, strong and far-reaching patient protection legislation that passed the Senate in 2001. He has a long career ahead of him and will do well on whatever path he takes.

Finally, I want to let Senator EDWARDS know that he and his wife Elizabeth are in my prayers every day.

ZELL MILLER

Madam President, it is hard to say how much I appreciate ZELL MILLER, a proud Democrat and a great American. Senator MILLER's early life was not easy. He grew up in the hills of Georgia where people may not have had much but they worked hard and had strong families and solid values. He pulled a stint in the U.S. Marines, which he said put him on the right path in life. His colorful career in Georgia politics included two terms as Governor. When U.S. Senator Paul Coverdell, my great friend, died unexpectedly, ZELL MILLER was appointed until a special election could be held, which he won handily.

After he arrived in Washington, Senator MILLER was one of the few who not only talked the talk of bipartisanship but walked the walk. During the war on terror, he advised bipartisan action on the Homeland Security bill. He called for bipartisan support for traditional American values, a lower tax burden, and a strong American defense.

I think the verdict on Senator MILLER's stand for old-time Democratic values has been vindicated, first in the 2002 elections and lastly in the 2004 elections. Someone who is being friendly tells you things you want to hear, but a true friend is one who tells you things he thinks you should hear. ZELL MILLER is that kind of friend to both Democrats and Republicans. He will be missed in this August body, as one of those who told it like it is, straight from the heart.

Madam President, I will miss all of my colleagues. As we take the opportunity to go forward in a new Congress, we will make new friends, but we will never forget the old ones.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Mr. BOND. Madam President, I begin today on a happy note to say, after a lot of hard work in the Health, Education, Labor, and Pensions Committee, we have brought forth an excellent product. Thanks to the leadership of Senator GREGG and Senator KENNEDY, we have produced a solid, bipartisan conference report which protects the educational rights of children with special needs while at the same time making the Individuals With Disabilities Education Act more workable for parents, teachers, school administrators, and school districts.

While IDEA, as the bill is known, has helped to open the doors to many children with special needs since it was enacted in 1975, there is no question about problems existing.

Over the last half dozen years, I have traveled around the State of Missouri and met, in over 50 different communities, with teachers, school principals, school board members, and parents to find out what the challenges are in education. No surprise that you would come to hear that it is not just that they want more Federal money, they want sense in the Federal regulations. They told me horror stories about the regulatory hurdles they had to overcome to administer some of the Federal programs, especially IDEA. The IDEA was more focused on complex rules than on producing the results that children with disabilities and their families deserve.

I have heard story after story about frustrated special education teachers just throwing up their hands and saying: I can't take it anymore. I came to serve special needs children, not a bureaucracy, and not to be involved in litigation all the time. I have hared about crushing paperwork burdens, children misidentified for special education, that the Federal Government is not paying its fair share of the cost.

The conference report we adopted yesterday is a very important step to address these concerns, to strengthen and improve IDEA for both children and the educational system. We believe it will strengthen the accountability and results for children with disabilities, reduce IDEA paperwork burdens, provide greater flexibility for school districts, reduce the number of children wrongly placed in special education classes, reduce litigation, and restore trust between parents and school districts.

I am particularly pleased to tell you that many of the ideas contained in this legislation were developed in Missouri. When I heard the complaints of Missouri educators, I met and talked with the Missouri School Board Association, which put together a multimonth planning conference with representatives of the teachers, of the special needs community, and others to come up with specific ideas and reforms. The Missouri School Board Association's Special Education Advocacy Council and the Missouri Council of Administrators of Special Education came forward with proposals that I took to the committee, and the committee was able to include most, if not

all, of those in the final legislation. So once again, the best ideas we get here come from home. I thank all of the committed education professionals and friends of special education who worked on it.

I am particularly pleased with the significant reforms which will focus special education on educating children with special needs, not simply complying with a system composed of intricate and complex regulatory and mountainous paperwork burdens.

Special education teachers, as I indicated, are leaving the profession out of frustration because of the unnecessary burden, and that is causing a chronic shortage. More time on paperwork means less time spent with students or preparing lessons for students. It is as simple as that. The numerous reforms in the bill will go a long way to free our time of special educators.

Again, my thanks to Senator GREGG and Senator KENNEDY, and on my on staff, Kara Vlasaty and Julie Jolly for helping us come up with an excellent product.

TRIBUTE TO KOMNINOS ''GUS'' KARELLAS

Mr. BOND. Mr. President, the other matter I need to speak to today is a very sad note. There is a funeral going on in my hometown of Mexico, MO, today, as we speak, for a very good friend of mine, Komninos ''Gus'' Karellas. There is a celebration of his life in a community which has mourned him in the last several days.

You heard on the floor from my colleague, Senator TALENT, words about Gus, a tremendous American success story. He was an immigrant from Greece. He came here with nothing 40 years ago. He started out working for others. He started out in California, came to Iowa, then Columbia, MO, and then moved with his wife to Mexico, MO, in 1970, to work in a steakhouse. A year later, they bought that steakhouse.

For the last 33 years, Gus Karellas's G&D Steakhouse has been the place to go for good steaks. I know it because I have been one of the frequent visitors there.

I came to know Gus as the community of Mexico, MO, came to know Gus. What a warm, genuine human being Gus Karellas was. He was a leader in his community. He helped charities like Boys Town. But he also did a wonderful thing in the community because he reached out to young people with difficulties, gave them opportunities as busboys and other jobs in his restaurant.

Unfortunately, the allegation in the police report was that it was one of those, or maybe several of those, who murdered him several nights ago to take the receipts from his business. We do not know what was in their troubled minds, but I can tell you that the community has lost a man of great dedication, great service.

Gus was a wonderful father. One of his sons, Nick Karellas, serves as a legislative assistant in my office. Another son, Andy, serves as a legislative assistant to Senator TALENT. JIM TALENT and I see every day the work ethic, the commitment, the dedication that Gus instilled in his children. He is a man who has left a very large mark on his community, and he has left a legacy that all of us can admire and recognize.

In the Omnibus appropriations bill that we will be passing today, there is a grant for a trail at Lakeview Park in Missouri. I suggest that the city fathers of my hometown consider naming that in honor of Gus Karellas to recognize not only his accomplishments but his contributions to the community and to his family.

I can only say that our thoughts and prayers are with the Karellas family. We join with the community in saluting his life, the great role model he was, the good he did for the community, and we will miss him sorely. They will also be in our thoughts and prayers.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak in morning business for as much time as I may consume.

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

TRIBUTES TO RETIRING SENATORS

Mr. ALLEN. Mr. President, I want to share my views, as did Senator HUTCHISON and others, about our colleagues who are leaving for new adventures in life.

I wish all the best to Senator HOLLINGS. We will miss his booming voice. We will miss Senator EDWARDS, Senator GRAHAM of Florida, and Senator DASCHLE. We will also miss JOHN BREAUX, a man we know will enjoy life with his good common sense and sense of humor. He is a good friend.

I want to speak about four others, though, including PETER FITZGERALD, whom I will miss. He will always be known for two ideas and principles of life—honesty and integrity. He has certainly fought hard for what he believed was right, and you can always trust his word.

BEN NIGHTHORSE CAMPBELL is a unique, proud leader of heritage. He is a man of principle. I look at BEN NIGHTHORSE CAMPBELL as one who runs on his own gear ratio. He is a character with character, whom I will certainly miss.

DON NICKLES—gosh, what a smart, principled leader. He will be missed. He is a taxpayer's hero. Last night, my wife and I enjoyed the Allen Jackson concert in DC. And that makes me think of country music. DON NICKLES is one of the reasons God made Oklahoma. We will miss DON NICKLES.

ZELL MILLER is probably the colleague that I have known the longest. He and I served at the same time as Governors of our respective States. He was always one of my role models. We got to know each other very well in the Southern Governors Association. Before I came to the Senate, one of the people who motivated me to go to the Senate was Paul Coverdell. ZELL took his seat and his office. When I came in, ZELL gave up that office, and now I am in ZELL MILLER's and Paul Coverdell's former office. I will think of ZELL a lot in the future. Two years ago, when ZELL announced his retirement, or that he was not going to run again, some were saying ZELL MILLER is a lame duck. Well, on this floor, at our convention in New York City, and throughout this fall, ZELL MILLER was anything but a lame duck. ZELL MILLER leaves office as a ''mighty duck.'' We are going to certainly miss ZELL. We know he will stay active.

TELECOMMUNICATIONS REFORM

Mr. ALLEN. Mr. President, I want to discuss two important ideas and issues that are essential, I think, for America's future and our opportunities. First, I thank my colleagues in the House and the Senate for support of S. 150, the Internet Tax Nondiscrimination Act.

Second, I want to discuss the significant advances in broadband Internet technologies over the past 8 years, particularly since the passage of the 1996 Telecommunications Act.

I thank the chairman of the Commerce Committee, Senator MCCAIN, and the Senator from Oregon, Mr. WYDEN, for their continued leadership on the Internet tax moratorium. I have enjoyed working both with Chairman MCCAIN and Senator WYDEN over the years on numerous technology-related projects, such as nanotechnology, WiFi, unsolicited commercial e-mail, or SPAM and SPYWARE. They are great teammates on these telecommunications and technology issues, and I thank them.

Yesterday afternoon, the House of Representatives passed S. 150, the Internet Tax Nondiscrimination Act, which cleared this important legislation for the President's signature later this year. As colleagues have heard me say on many occasions, the moratorium on Internet taxation has been one of my top legislative priorities since coming to the Senate. I have held this position since 1997, in my days as Governor of Virginia, when I was one of only four Governors to share the view in support of the visionary leadership of Congressman CHRIS COX and Senator WYDEN on this issue of Internet taxation.

I have consistently advocated policies and ideas that promote freedom and opportunity for all Americans. This legislation, S. 150, authored with Senator WYDEN, protects every American from harmful, regressive taxes on

Internet access, as well as from duplicative and predatory taxes on Internet transactions.

Today, the winners are the American people. I am very pleased to see that this measure was a victory for those of us who stand for freedom, opportunity, and prosperity, rather than more taxation and burdensome regulations of the Internet. This legislation is a real victory for American consumers, small businesses, rural Americans and, most important, low-income families. It is the result of a hard-fought success that extends the tax moratorium for another 4 years, from the time the last one expired until October 31, 2007.

Additionally, this legislation updates the previous moratorium to protect all types of Internet access platforms, including dial-up, satellite, cable modem service, DSL, wireless technology, and even next generation broadband networks, such as broadband over power lines.

Basic economics indicate that for every dollar of taxation added to the cost of Internet access, we can expect to see lost utilization of opportunities for the Internet for thousands of American families, especially those in rural areas and those of lower income.

With clear tax protection at the Federal level, S. 150 ensures that a complex, costly, and outdated telephone-like tax regime, which averages about 15 percent to 18 percent nationally, will not be imposed on Internet consumers. The guiding principle of the Internet tax moratorium has always been that the Internet should remain as accessible as possible to all people in all parts of the country forever. The Internet is one of our country's greatest innovations for individual empowerment, economic growth, and jobs.

So extending the tax moratorium and protecting all types of broadband technology platforms puts this country one step closer to closing the economic digital divide. The fact of the matter is—there are more Americans empowered by the Internet today, primarily because the Federal policy of the United States has consciously allowed Internet innovators, entrepreneurs, and consumers to remain free from burdensome, onerous taxation and unnecessary regulation.

I am honored that the majority of my colleagues in the Senate and the House have agreed to preserve this policy for another 4 years with the passage of S. 150. I thank all for their support.

BROADBAND AND TELECOMMUNICATIONS REFORM

Mr. ALLEN. Mr. President, I would now like to discuss the exciting changes that have taken place over the last 8 years in the telecommunications industry, in particular with regard to broadband Internet technologies.

As many of us know, the 1996 Telecommunications Act was the first major overhaul of the communications policy in over 60 years. Since the passage of that law, remarkable changes have occurred in the technologies used to deliver telecommunications services. Some of these changes may be products of the 1996 act. However, many are due to the tremendous explosion of new and advanced broadband technologies.

Specifically, the Internet or digital technologies are replacing the slower legacy communications networks with multiple high-speed broadband platforms. For example, DSL, cable modems, 3G wireless, WiFi, ultrawide band, satellites, broadband over power lines, are all advanced communications networks delivering the same services and many more services, not just data, not just voice, but also video.

Broadband is widely considered the future of communications because it enhances the consumers' experience on the Internet and will have a tremendous impact on our country's economy.

By 2006, economists at the Brookings Institution estimate that widespread high-speed broadband Internet access would increase our national gross domestic product by $500 billion annually.

The Internet and the broadband revolution are opening up a whole new world of opportunity that did not exist prior to the Telecommunications Act of 1996. By almost any measure, consumers are better off and have more choices now than ever before. These advancements have actually outpaced the laws and especially outpaced the economic regulations governing the communications industry because new Internet-enabled services do not easily fit into the stovepipe regulatory model of the 1996 act.

Unfortunately, the regulatory treatment of a given broadband provider depends on the particular platform that provider uses to offer their service. DSL providers are regulated entirely different from wireless broadband providers or cable modem service providers. All of these platforms deliver the same service—broadband Internet access. Yet all are regulated completely different from the other.

This type of regulatory regime picks technology winners and losers, creating, in my view, a competitive advantage for certain technology platforms over others. A number of my colleagues have called to revisit and potentially rewrite the telecommunications law, and I commend them for their leadership on these issues.

I believe any rewrite of the telecommunications law must take into account the transformative and positive impact broadband technologies have on the future of communications.

In considering what the next Telecommunications Act should look like, I am guided by a few foundational principles.

First, we should favor innovation and freedom over regulation. I call myself a commonsense Jeffersonian conservative. I trust free people, free enterprise, and free markets to allow them to innovate and create opportunities for all Americans to advance, compete, and succeed. Nowhere is this more true than with the Internet.

Restraining from regulating the economics of Internet applications has served consumers well with the advances in the Internet technologies, such as voice-over-IP or voice-over-Internet protocols. Entrepreneurs are a Web site away from offering phone services better than those offered by traditional telephone providers.

Virtually every consumer with broadband Internet access can now choose among potentially hundreds of telephone service providers. Internet applications are bringing new competition to old markets which means more innovation, lower prices, and higher quality of service for consumers who also can easily move to any other vendor if they get dissatisfied with any of those providers.

As elected leaders, we should ensure that our policies embrace and encourage this type of innovation and continued advancement.

Second principle: Support a competitive level playing field over fragmentation and ditches. As a former Governor of Virginia, I am an ardent supporter and believer in the principles of federalism. Our Founders, though, wisely realized, when constructing our Constitution, the importance of a coherent national policy regarding matters affecting interstate commerce.

Certainly, one of the great attributes of the Internet is that it is not limited by the boundaries of States or local governments. It is actually not even limited by the boundaries of countries. By its structure and unique architecture, it is clearly, though, interstate commerce and, indeed, international commerce.

I am reluctant to support policies that encourage the fragmentation of telecommunications regulation to State and local authorities, especially as communications transition to a digital format.

Third, and last, let's make sure we keep it clear and keep it certain. One of my biggest concerns with the 1996 Telecommunications Act is that it has brought forward a tremendous amount of litigation and legal uncertainty. This ongoing litigation and regulatory uncertainty has slowed the deployment and potentially stifled the advancement of future high-speed broadband networks. Any revision to the 1996 Telecommunications Act should contain clear, simple, coherent legislative principles that provide legal certainty and regulatory clarity for business models and also for the capital investment decisionmakers.

It has been the policy of the United States to promote the continued development and deployment of the Internet. The broadband revolution is bringing tomorrow's communications and commerce tools to more and more

Americans every day. These new opportunities for consumers are also providing new opportunities for our Nation's economy in terms of job creation, productivity gains, and innovation.

It is my great hope that as the Senate considers these important issues and potential telecommunications reform next year, we do so mindful that consumers are enjoying more choices, better value, and more personalized products in the Internet age than ever before, primarily due to the advances of broadband technologies.

I ask my colleagues to stand strong for freedom, for clarity of purpose, and we will see more investment and more jobs. I look forward to working with my colleagues for these exciting advancements in the future. We must keep adapting, keep innovating, and keep improving for the competitive benefit of the American people.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I salute the Senator from Virginia for his leadership on telecommunications policy. Over the last 2 years, I do not know any Senator in the Chamber, other than the Senator from Virginia, who has been more active, who has been better informed, and who has been more vigorous on the principles in which he believes. He was the leading Senator in advancing a compromise. It was his legislation, S. 150, which a number of us cosponsored, which the House has accepted, which has taken the next step in how we deal with the so-called Internet tax moratorium.

I was glad to have a chance to hear his remarks today as he talked about that and as he looks to the future, and I would like to add my own thoughts because during this past 2 years we have had pretty vigorous debate as we have made our way toward a compromise. It has been a debate in the best traditions of the Senate. We have had it on the floor. On one occasion the Senator from Virginia and I took our points of view to a forum off campus, so to speak, went over to the Heritage Foundation and had a debate. In that debate, we actually learned some things from each other, which shows that when Senators debate and speak, we find some points of common agreement. I think that debate itself helped lead toward the compromise we have made.

I believe the compromise, S. 150, of which Senator ALLEN is the principle sponsor, is important. No. 1, it is temporary, not permanent. This is a fast-moving technology and field. As Senator ALLEN pointed out in his remarks, the 1996 Telecommunications Act in some ways is obsolete today because high-speed Internet access, or broadband as we call it, was barely even known in 1996. It is no insult to the Members of the Senate to say I doubt if many Senators ever heard of it in 1996, because most Americans had not heard of high-speed Internet access. Very few people were using it.

So the legislation did not contemplate this rapidly growing new technology we have. That is one reason why I felt in the debate that it was good to have a temporary, rather than a permanent, moratorium on what States may do about applying their taxes to Internet access so that the Commerce Committee of the Congress could consider a long-range permanent policy.

S. 150, which has passed this year, this compromise, as the Senator from Virginia said, allows States to continue collecting taxes on the Internet and to continue to do so for 2 to 4 years, depending on the type of access.

One other important thing it does is it makes clear that State and local governments can continue to collect taxes on telephone services even if telephone calls are made over the Internet.

Now, that is a very important development. Most observers believe that certainly most businesses—and maybe most all of us—will soon be making our telephone calls over the Internet. That is a wonderful opportunity and a great advance. I believe there is general consensus among all of us who debated this issue over the last 2 years that in order to make sure that happens, the Government needs as much as possible to get out of the way. That means a different kind of regulation than we now have for what we call traditional telephone services, the plain old telephone.

Where I was concerned about the legislation that was going through the Congress was not about whether we should lighten up on regulation—I believe we should—the question was whether from Washington, DC, we should tell State and local governments that they may not apply the same sales taxes and other use taxes to telephone calls made over the Internet that they apply to other telephone services. We did not change that with the temporary legislation we passed this year, but it is bound to be a big subject of discussion in the new Congress.

Now here is why it is so important: I believe gradually we are making it more difficult for State and local governments to do the things we want them to do. The Senator from Virginia and I are both former Governors. We know many of the things Americans want most from their government, they want from their State and local government. They do not want decisions made up here. So one of my goals is to make sure we do no harm to State and local governments while at the same time we are trying to make sure we do no harm to this exciting new technology, broadband, high-speed Internet access.

My fear was we might unwittingly in this legislation stop Texas, Tennessee, or Florida, for example, States that have no State income tax, from using their sales tax on telecommunications services. Last year, Texas collected $1 billion on sales tax on telecommunications services. Florida collected about $1 billion. Tennessee, according to the Department of Revenue, collected $361 million on sales taxes on telecommunications services.

Now, not all of that is threatened by telephone calls over the Internet that might not be subject to the same taxation, but gradually, and it may come very rapidly—actually, we hope it comes rapidly—and if people move to this new technology, make their telephone calls over the Internet, and suddenly the Texas State budget has a $1 billion hole in it or a $750 million hole or a $500 million hole, what do they do about it? Well, they raise tuitions at the University of Texas or University of Tennessee, they reduce services, or they raise other taxes.

So my primary reason for becoming involved in the Internet tax debate, so-called, was to try to make sure we did not do here what I never did like when I was a Governor, which was to look up to Washington and see Members of Congress coming up with a good idea, passing it, taking credit for it, and sending the bill to me when I was Governor. I did not like that.

My whole point was if we are going to stop States from collecting a source of revenue they are now collecting, then we should pay the bill from Washington. In other words, that is an unfunded Federal mandate, in my opinion. We did not get to that problem because we reached a compromise for now, but that is the debate coming up in the future.

Will we take some action in the name of making it easier for high-speed Internet access that does real, serious harm to State and local governments by depriving them of billions of dollars of revenue, which in turn could cause the sales tax in Blunt County, TN, to go up, or the property tax to go up or, heaven forbid, Florida, Texas, or Tennessee to have to put in a new State income tax because Washington has told us we cannot have a sales tax on telecommunications services and we still like to have universities, parks, roads, and the other services States are supposed to provide.

So now how do we go from where we are today, which Senator ALLEN has helped to craft a compromise we have all supported, and which is a very excellent piece of legislative work by him and by others, and what is the next step? He has offered a few suggestions about telecommunications in general. Let me reiterate a single suggestion I have about this specific issue about whether State and local governments will be permitted to tax telephone calls made over the Internet.

I would like once more to encourage the Governors, the mayors, and the county executives to meet with the telecommunications industry and suggest to us in the Congress a way to do

this. This is a highly technical subject. It has many moving parts. This is not the best place to come up with a complex reaction to a complex problem. We would like to see some options, or at least I would.

The option I would like to see would have basically two parts. One would be lighten up the regulation on high-speed Internet access. There is a broad consensus about that. But do it in a way that does no harm to State and local governments, that does not have Senator FEINSTEIN from California standing up in the back with letters from 130 cities and counties saying this could take away 5 to 15 percent of their local tax base. I do not think we need to go through that again. I think we need to find a way to do no harm to high-speed Internet access. Let it flourish. Let it grow. Let it move. And do no harm to State and local governments. Those are the principles.

I understand there may be some discussions already beginning to go on and I want to encourage those, and I pledge I will work with Senator ALLEN and others in this Chamber and State and local governments and the telecommunications industry to try to get a commonsense exclusion so the technology can grow and so States can continue to have an adequate tax base to support universities, schools, and the other things we expect from State and local governments.

The guidelines that I suggest for this discussion that I hope is being held outside the Halls of the Senate are, No. 1, separate the issue of taxation and regulation. Let's go ahead and figure out a way to lighten up regulation of high-speed Internet access. I think there is a broad consensus for that. Separate the issue of what do we do about the fact that States and local governments are depending on these revenues. What do we do about that? Second, I agree with the Senator from Virginia that our goal should be simplicity, simplicity both in regulation and in any rules about taxation.

Finally, I believe that a goal should be, in addition to simplicity—certainty. If you are in business, you want some certainty. If you are a State treasurer, you want some certainty. You have budgets to make up. So we need some certainty. We do not need a situation where thousands and thousands of local jurisdictions tax new telecommunications technology in such a confusing way that it creates uncertainty, litigation, and lots of paperwork and slows down the economy. We fail if we have that. In searching for simplicity, there is no need for us to create an unfunded Federal mandate that tells State and local governments they have to give up part of their tax base without reimbursing them for it.

While we can debate it at another day, I do not believe that high-speed Internet access needs a Federal subsidy or State subsidy. It is the fastest growing new technology we have seen. It is growing faster than the cell phone did at this stage of its development.

We are talking about an exciting new technology. We are talking about real dollars. We are talking about a bipartisan disagreement and a bipartisan consensus that we have been able to come to this year about what to do, at least temporarily. For those who say the Senate is not capable of working in a bipartisan way, I think they are wrong because we have had bipartisan agreement and we have disagreement, and we have had some bipartisan agreement.

I see the Senator from New Hampshire is also in the Chamber, and the Senator from Delaware. I have some other remarks I would like to make, but I imagine they both would like to say something about this same subject.

My further remarks have to do with other legislation. What I would like to do at this stage is to yield the floor in just a minute and listen to what they have to say, in the hopes that we may be advancing toward some consensus. Now that we have a consensus about what to do for the next 2 to 4 years, maybe we can take some steps about advancing toward a consensus about the future.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, I want to begin by thanking Senator ALEXANDER, as well as Senators WYDEN and ALLEN, who have worked on the consensus legislation that was touched on in earlier remarks, a final piece of the legislation necessary to ensure that we do not tax Internet access.

The reason we do this, the reason we think this legislation is so important is, first and foremost, because these are national and global broadband networks. They are interstate and global in nature. I believe the responsibility for both determining the tax status and the regulatory status of these networks falls on the Federal Government. I do believe taxation is merely an extension of regulatory power, in that it has the ability to shape the playing field, to weight the competition among ideas or technology in one direction or another. As was said many years ago, when you tax something, you get less of it. If that is not a form of regulation, I don't know what is.

The issue of broadband voice, of Internet protocol voice services was also mentioned. I do want to be clear, at least in expressing an opinion if not declaring it absolute fact: The Internet tax legislation that we passed was silent on this issue. It doesn't allow or disallow, per se, the taxation on Internet protocol, IP voice service, or broadband voice service. But what it does is protect Internet access, access to that broadband pipe from taxation.

We will discuss and debate in greater detail in the coming year the nature of these broadband voice services—broadband access, spectrum regulations—as we develop telecom legislation in 2005, beginning with hearings and work in the Commerce Committee. I think in many ways the FCC has already set the direction for this process in a recent ruling that they made, which was to say that broadband voice services using the Internet protocol are interstate in nature and that they should be regulated on a national level for many of the reasons that Senator ALEXANDER has outlined. We want clarity; we want consistency; we don't want it weighted toward one technology or another.

There are lots of ways to get access to these national and global broadband networks. You can get them through wireless systems, DSL, cable. You can get them even through satellite. And there are probably more technologies that will come to give customers and consumers access. We want to be careful that we do not distort the marketplace of ideas, either through subsidies for one form of technology relative to another—which was mentioned by Senator ALEXANDER—or regulatory regimes on one form of broadband network relative to another.

It will be a challenging debate. I think Senator ALEXANDER has been very helpful in this debate in bringing the perspective of a Governor. I think we do need to be very sensitive to the rights and the powers of the States. But where we have something that is interstate, national, or global in nature, then I think it does make sense to try to find a light regulatory touch, as Senator ALEXANDER has described, but one that is clearly defined and that will keep the competitive playing field as open and vigorous as possible. If we have a strong economy, then I think the governments at the local level, the State level, and the Federal level will do fine so far as revenue collection is concerned.

I look forward to participating in this debate with other members on the Commerce Committee and all of the Members in the Senate in order to make sure that we have a regulatory system that is designed for, so to speak, the 21st century, these new technologies, and not just take a regulatory system that was designed for a copper circuit switch phone system, invented by Alexander Graham Bell—don't take that regulatory system and try to force it on emerging technologies for the future.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Delaware is recognized.

Mr. CARPER. Mr. President, while my colleagues, Senator ALEXANDER and Senator ALLEN, are still in the Chamber, I want to express to each of them my own gratitude for their hard work to try to forge a compromise on an issue upon which some folks said we were not going to find common ground. But ultimately we did. They are to be commended for that.

I see we have been joined by Senator BURNS from Montana. I would say to him, thank you as well.

Several people who are not here have been very much involved in this issue, including Senator WYDEN of Oregon and a handful of other former Governors who serve now in the Senate—among them, Senator VOINOVICH of Ohio and Senator BOB GRAHAM. A couple of former mayors who serve here as well worked on this issue, and this includes the former mayor from California, Senator FEINSTEIN, and a former mayor from a little town called Gillette, WY, a fellow named ENZI, who have all been involved in this, along with Senator BYRON DORGAN of North Dakota.

We shared goals and we shared a number of the same objectives. None of us were interested in taxing access to the Internet. None of us wanted to inhibit its growth. But at the same time, none of us were interested in undercutting the ability of State and local governments to raise revenues to fund their own programs.

As a former Governor, as a former chairman of the National Governors Association, as are Senators ALEXANDER and VOINOVICH, I never liked it very much when the Federal Government would tell my State or any other State what to do but not to provide the revenue, the wherewithal to do that thing that was being ordered.

I never liked it when the Federal Government undercut my State or any State's ability to raise revenues to pay for programs that we deemed necessary and not provide the revenues to offset that loss.

I think in the end we have come out with a compromise that is not everything that those of us who are former Governors and mayors who worked with Senator ALEXANDER and myself wanted, and certainly all that was sought by Senators ALLEN and WYDEN. Having said that, I believe we have ended up in a very good place. Senator MCCAIN is not here today, at least in the Chamber at this moment, and I thank him for bringing us to common ground on this issue.

We have passed a compromise that I think sends a good message, that may have applicability to other issues. And there are a whole lot of issues that we have considered this year, certainly that we will be considering next year, where we generally share the same goals, but for some reason we do not—and maybe it is the lack of trust, the lack of interpersonal relationships to be able to work through our differences to get fairly close to, at the end, the goals that we share, to legislation that reflects the goals that we share. In this case we did it. And for all who have had a hand in fashioning what I think is a most acceptable compromise and a good ending, I just want to say well done.

The Commerce Committee will now move to new leadership beginning in January. I presume the leader, the chairman, will be Senator STEVENS, and the ranking Democrat will be Senator INOUYE. They have as close a personal bond as I think any two Senators across the aisle who serve in the Senate. I think that bodes well as they and their committee look down the road to what further changes we need to make, again, to deny the ability to have access to the Internet, make sure we don't inhibit the growth of the Internet and all it can do for our economy, and finally making sure we are fair to State and local governments. It is not an easy thing to do, but in this instance I think we have done quite well for State and local governments, and industry hasn't fared too badly either.

With that having been said, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. The Senator should advise that we are in morning business.

Mr. DURBIN. I thank the Chair.

GLOBAL AIDS FUNDING

Mr. DURBIN. Mr. President, last Saturday, just 7 days ago, I was in Cape Town, South Africa, for a conference sponsored by the Chicago Council on Foreign Relations. With me were my colleagues, Senator SUSAN COLLINS, Congresswoman BARBARA LEE from the State of California, and we had an opportunity to visit an AIDS clinic, a clinic that is funded by the Global Fund. It is an area known as West Cape, and it is an extremely poor area. Many people are infected.

South Africa may be the most devastated country on that continent when it comes to the disease of AIDS. To think that 25 percent of the men and women in the South African military are infected with AIDS, to think that most of the major employers in companies find that at least one-fourth of their workforce is infected, is an indication of the reach of this terrible disease.

We went to this clinic because something historic was happening there. Because of the Global Fund and because of contributions from countries such as the United States, for the first time we are providing AIDS pills, ARV therapies to people who are infected. What that means is that for some of the poorest people on Earth, they will receive a few pills which, if they take them dutifully each day, they can live. And if they do not receive the pills, or don't take them, they will surely die. Think about that moment when they first heard of the possibility that they might be on the list to be saved with these drugs.

So we went to this clinic where they are measuring the rate of the infection of these poor people, and if they are far enough along with their infection, where their life is threatened, they qualify. They waited on benches in a crowded room silently for hours, literally for hours for a chance to be examined in the hopes that they would receive these pills.

Outside this clinic was a little dirt playground, just the most basic thing, filled with children. The kids were playing with everything they could find, stones and sticks and old rubber tires, just trying to while away the time together while they waited for their parents who were listening and waiting to be counseled to find out if they would be allowed to live or die. The children had no idea what was going on. They are just little kids. Some of them may be HIV-positive, too. But we walked by this playground, and the kids looked up at this delegation in their suits and ties walking through, and they looked at us and they waved, and we waved back, and I thought: I am going to go over and say hi to the kids.

I no sooner took two steps toward these children when they left the playground, 30 or 40 of them, and gathered around me hugging me. And then, as they were hugging me, these little toddlers, these kids, spontaneously started singing the African national anthem. You could not script that. It sounds like a scene from a movie. It is real life. It happened a week ago. And in this clinic in West Cape, a miracle is occurring. The United States, because of its caring and compassion, has reached out through the Global Fund to give these children the chance that they will grow up with a parent. And for many children in Africa there is no chance—12 million AIDS orphans on that continent, more infections on the continent of Africa than any other place on Earth.

We know how bad it is. We know it is getting worse. Take any minute that I speak in the Chamber, and in that 1-minute period of time, across the world 6 people will die from AIDS, and 10 more will become infected. So no matter what we are doing, as good as it is, we are approaching this with steady steps going after this disease and epidemic while it races away from us infecting more people than we can possibly save with the resources we are putting into it. Stephen Lewis is a special envoy for the United Nations for HIV/AIDS in Africa, and he said, ''Never in human history have so many died for so little reason.'' Then he went on to say, speaking to me and to all of us, ''You have a chance to alter the course of that history. Can there be any task more noble?'' This is the moral challenge of our generation.

Mr. President, 60 years from now, 100 years from now, people will look back and judge us by what we have done with the global AIDS epidemic. Questions have been asked for almost six decades about what the world did in response to the Holocaust. We will be asked by future generations: What did you do about this epidemic reaching Holocaust proportions and beyond? In 2002, the countries that came together to form the Global Fund said we are going to fight AIDS and malaria and tuberculosis, and all the countries committed some $3 billion to almost

300 programs to go after those diseases in nearly 130 different countries. Since the beginning, the United States has been involved and we have said for every dollar that we contribute, we want $2 from the rest of the world.

In some years we have fallen short. In some years the rest of the world has fallen short. But we need to continue to make a contribution.

Now, what troubles me is this: Last year, as a nation, we contributed $547 million to the Global Fund. This year we will contribute less. The disease is not under control. The disease is growing faster than our contributions toward ending it. This year if we are lucky we will contribute $438 million—far short of last year's contribution. And the Global Fund tells us that they need $551 million from the United States. They will find matching funds 2 to 1 from around the world, and they have plenty of projects just like the one I described to you.

In that West Cape clinic right now 550 victims of HIV/AIDS are receiving the therapy that keeps them alive every day—550.

The universe of those who are eligible is 4,000, to give you an idea. As we contribute to the Global Fund, we are scratching the surface of what this disease is doing to the world around us. As we reduce our contributions to this Global Fund, it limits our ability to save people.

I have spoken, of course, about HIV/AIDS. The challenge of malaria is just as alarming. The Global Fund has been financing the treatment of over 30 million people for over 5 years, a huge increase from the 10,000 people currently treated with new drugs. They need money to do it. People die from malaria as they do from so many other things.

In addition, we have to understand that the fight against tuberculosis is one we can win but one we must assume our responsibility for.

We need to make certain when the supplemental appropriations bills come before Congress, as they are likely to in the next several months, that we revisit our contribution to the Global Fund, not just for those kids in Africa but for ourselves. That life lost in Africa may seem so distant and removed from our own lives but in some ways we are connected. We are all God's children. We all believe this Creator put us on Earth for a purpose, and that purpose is to care for the less fortunate of our brethren.

At the International AIDS Conference in Bangkok last July, Nelson Mandela, who is probably one of the greatest living people, declared:

> History will surely judge us harshly if we do not respond with all the energy and resources that we can bring to bear in the fight against HIV/AIDS.

Nelson Mandela is right. History will stand in judgment of the bill we pass today, the supplemental bill that will come, and the resolve of this Congress and this administration to make sure that we continue to lead the world in this historic humanitarian effort.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized.

IDEA CONFERENCE REPORT RATIFICATION

Mr. ALEXANDER. Mr. President, I say a few words about the legislation passed last night that we call IDEA, to help children with disabilities.

The Individuals with Disabilities Education Act (IDEA) which we have enacted is critical for the approximately 6.5 million children with special needs across the country, 125,000 of which I've in my home state of Tennessee.

The bill makes a number of substantial reforms. I would like to highlight two that I think are particularly important:

No. 1, the bill clarifies the definition of a highly qualified teacher, and

No. 2, the bill also creates a seamless early childhood program for children from birth until school age.

Research has shown that students taught by effective teachers greatly outperform those taught by ineffective teachers. That's why it is a priority for me to ensure that students have a highly qualified teacher in their classroom, especially special education students.

I am grateful language was included to clarify for schools what the definition of a highly qualified teacher means. This is particularly important for the 6,037 Certified Special Education teachers employed by Tennessee's public schools, especially for middle and high school teachers.

After the passage of No Child Left Behind, many middle and high school special ed teachers were concerned that they would have to become highly qualified in every subject—reading, math, history, science. The language in the Conference Report allows states to develop a Highly Objective Uniform State System of Evaluation, HOUSSE, for special ed teachers teaching multiple core subjects. Teachers can also be deemed highly qualified if they meet the educational requirements for each subject under NCLB test or degree. This important flexibility gives states more options to determine what makes a special education highly qualified so that we can keep veteran teachers in these classrooms and enable new teachers to become highly qualified and dedicate their careers to these special children.

I am a strong supporter of early intervention to help children with special needs before they reach school age, so that when they enter school they can succeed. I'm pleased by the changes to the Part C early intervention program included in the conference report. This program has enabled millions of infants and toddlers with disabilities to enter school with the skills they need to learn, grow and prosper. The bill before us today makes two needed changes to Part C.

First, it allows States to give parents the option of either (a) keeping a child in the Part C program until reaching school age, or (b) having their child transferred to the pre-school program at age three. This provides a comprehensive and fluid system of services for special needs children from birth to school age.

Second, it provides incentive grants to States that choose to give parents that option. Under the conference report, 15% of appropriated funds in excess of $460 million for Part C will be dedicated to these incentive grants.

In Tennessee, about 5,730 children participate in the Part C program. One of these children is Kaylie, a little girl who was born with Down Syndrome. The hospital referred her family to the Kiwanis Center for Child Development for services as part of the Part C early childhood program. At the Kiwanis Center, Kaylie receives physical, occupational, and speech therapy—there is even a therapeutic pool. She is provided with child care where she interacts with other children her age. All these services are provided through various federal and state programs, but the Part C program was the critical link that coordinated these programs so she can receive them all at one site. Kaylie was only 8 months old when I told this story at our Senate HELP Committee mark-up of this bill; today she's about two years old. Under the current Part C system, when Kaylie turns 3 she will no longer be able to continue to receive this seamless system of services at Kiwanis. She will have to attend the half-day pre-school program at the local elementary school. That date is fast approaching. But the changes included in this Conference Report, that we are about to ratify, will allow the state of Tennessee to give Kaylie's family the option to stay in the Part C program and continue receiving services at the Kiwanis Center until she goes to Kindergarten. Any fees that Kaylie's family currently pays they will continue to pay. If Kaylie's family would like her to attend the local public school for pre-school they still will have the opportunity to send her. We ought to give her parents that choice, and I'm grateful we're acting in time to make that possible.

This is one more example of the Senate working in a bipartisan way.

This is a complex bill. It affected 6.5 million children with special needs across this country, and 125,000 of them were in Tennessee.

Again, I want to focus on two aspects of it, especially how it affects teachers and children and families all across the country.

First, it clarifies the definition of a highly qualified teacher. That is important because of the No Child Left Behind Act.

Second, it allows children with special needs who are receiving services in

the community to continue to do that after age 3 all the way up to the time they enter school. Today, those children may be provided one service here and one service here and one service here. When they get to age 3, they suddenly have to go into a certain preschool program. This gives more parents more choices, more flexibility, and it is a great advantage.

One very important aspect of the bill—it is the first thing I mentioned—is the definition of highly qualified teacher. This may not sound very important to people who aren't teachers with special needs children, but this has been a source of a lot of anxiety for teachers.

In elementary schools, in early grades, teachers teach a lot of subjects. If you are certified to be an elementary school special needs teacher, then you can be a highly qualified teacher. But when you get to the middle school and high school level, you will be teaching special needs children in math, science, English, history, and geography. The original legislation said a special needs teacher in Shawnee, KS, or Fort Dodge, KS would have to be qualified in special needs in English, in math, in science, history, and geography. That is quite a burden for a special needs teacher in high school in some districts. This legislation creates some flexibility. It creates a way for States to look at this in a practical way, and says in middle schools and high schools across this country when teachers are teaching special needs children, we are going to come up with a commonsense way to make sure they are highly qualified because these children deserve that, too, but to take into account the reality. We are talking about maybe 100,000 teachers in the middle and high schools, maybe 15,000 or 20,000 schools.

We have to be careful when we write a sentence about elementary and secondary education in America. We are not the national school board, or at least we shouldn't be. We need to make sure it is practical and realistic and gives as much flexibility as possible to communities and States to come up with what actually works with an individual child in an individual classroom. This is one disappointment I have with the bill.

Senator SESSIONS from Alabama and I tried to change the effective date of the definition of a highly qualified teacher for middle and high school. We said it ought to be a year from now. But the majority felt this new requirement should go into effect in August of next year, which is 6 or 7 months from now. I think that is a mistake.

What has to happen is the President has to sign this bill in December. Then the U.S. Department of Education has to interpret its regulations—that is January or February. Then the States have to come up with their new, flexible ways of determining what ''highly qualified teacher'' is. Then the teachers have to read it. They have to perhaps do some professional development. They have to become certified. And all of this has to be done by July or August.

This is the kind of thing that does not build support for the No Child Left Behind Act. I think it very important that we remember while we may have a very good idea, we are not a national school board of the small school districts. This is a massive country with many different parts to it. We are dealing in this case with probably 100,000 teachers.

Overall, this is a very important bill and I am delighted to be a part of it. I commend especially Senators GREGG and KENNEDY for their leadership.

THE AMERICAN HISTORY AND CIVICS EDUCATION ACT OF 2004

Mr. ALEXANDER. Mr. President, I wish to discuss H.R. 5360, the American History and Civics Act of 2004.

I support H.R. 5360, the American History and Civics Education Act of 2004. The bill represents an important step forward in the teaching of these critical subjects. The Senate acted last year on an earlier version of this bill that I sponsored along with the Senator from Nevada, Mr. REID. I introduced that bill in my Maiden Speech before the Senate, and we later voted 90–0 in support of its passage. The House has now passed its version of the bill, under the leadership of Congressman ROGER WICKER from Mississippi. Senate passage of the bill today will be the culmination of nearly two years of work on this important piece of legislation.

National exams show that three-quarters of the nation's 4th, 8th and 12th graders are not proficient in civics knowledge and one-third does not even have basic knowledge, making them ''civic illiterates.''

Children are not learning about American history and civics because they are not being taught it. American history has been watered down, and civics is too often dropped from the curriculum entirely.

It is time to put the teaching of American history and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American. This act does precisely that. It establishes Presidential Academies for Teachers of American History and Civics and Congressional Academies for Students of American History and Civics. Their purpose would be to inspire better teaching and more learning of our history and way of government. The Secretary of Education is authorized to provide grants to universities, libraries, museums, or other non-profits that demonstrate expertise in the core subjects of history and civics and government. For example, the Mount Vernon Ladies' Association, which operates and maintains the home of our first President, might apply to host an academy at their historical site, focusing on the history of the founding of our nation and the principles upon which it was founded.

Additionally, the bill allows the Secretary of Education to provide grants to the National History Day program, a year-long national program that trains teachers and sponsors a national competition among junior high and high school students, who produce dramatic performances, imaginative exhibits, multimedia documentaries and research papers based on research related to an annual theme.

I want to extend my gratitude to the Senators who have supported the bill here in the Senate: Senators FRIST, REID, GREGG, KENNEDY, STEVENS, and BYRD, among many others. And I want to thank our colleagues in the House who worked so hard on the bill, including Congressmen BOEHNER, MILLER, CASTLE, WOOLSEY, BLACKBURN, and especially Congressman WICKER who was the lead sponsor.

A strong, bipartisan team of players stood up for the future of our children and this nation by working on this legislation. With Senate passage, today is a great victory for everyone working to improve the teaching of American history and civics so our children can grow up learning what it means to be an American.

This bill will be coming, hopefully, before the Senate later today. It passed the Senate unanimously last year. Now it has passed the House and is coming back in an amended and improved version. I believe it has full support. The lead sponsor is the new Democratic leader of the Senate, HARRY REID. It is also sponsored by Senator KENNEDY and Senator BYRD, who testified for the bill. Most of the Republican Senators have cosponsored it.

This is a bill very simply to put teaching of American history and civics back into its rightful place—in schools where our children can grow up learning what it means to become an American.

It takes a modest step to establish Presidential Academies for Teachers of American History and Civics in the summer and the Congressional Academies for Students of American History and Civics. They are modeled after the very successful Governor's Schools that are in many States across the country where students and sometimes teachers go for 2 weeks or 4 weeks to learn particular subjects.

The reason for it is that high school seniors in the United States make the lowest scores of any subject on U.S. history. The lowest scores of any subject, according to the National Assessment for Educational Progress of America, for high school seniors are on U.S. history. That is absolutely disgraceful.

Here we are a nation at war, our principles are being attacked, and we are not teaching our children those principles. Here we are a nation that celebrates itself for being one for many with more new Americans coming than

ever in our history, and we are not teaching what it means to be an American.

You don't get to be an American by the color of your skin or where you come from. You get to be an American by understanding what we believe in. The common school itself was created 150 years ago, according to the late president of the American Federation of Teachers, Albert Shanker. He said the public school was created to help immigrant children learn the three Rs, and what it means to be an American, with a hope they would go home and teach their parents. The civic purpose of the public school is being fundamentally ignored in many parts of our country and this is one small step in that direction.

I am delighted that a bipartisan group of Senators and House Members—Mr. BOEHNER, Mr. MILLER, Representative BLACKBURN from Tennessee, and the principal sponsor, ROGER WICKER of Mississippi—played a role. I thank them for that.

AMERICAN BALD EAGLE COMMEMORATIVE COIN ACT

Mr. ALEXANDER. Mr. President, I mention one other piece of legislation that may have a chance of passing. At least I can report there are now 68 U.S. Senators who have agreed to sponsor S. 2889 which will celebrate the recovery and restoration of the American bald eagle by making $5- and $10- and 50-cent commemorative coins.

Very often these so called coin bills are especially parochial. That is why we are required to have 67 Senators agree before we do one; usually by practice, nearly 300 House Members. Well, 300 House Members have agreed and nearly 70 Senators. That is because in 1782 the Founding Fathers established the bald eagle as the national emblem of the United States. Since then, the bald eagle has come to represent the spirit of American freedom, democracy, and strength.

It is my hope before we finish our business today we will honor and protect the symbol of America and cosponsor and enact the American Bald Eagle Commemorative Coin Act.

One reason Senators have signed on is that the eagle has been roaming the Halls with its handler, going into different offices. A number of Senators have called me from their office with the eagle perched in front of them. The eagle is a very successful lobbyist for himself.

If we cannot get the commemorative coin enacted today before we adjourn, I am sure we will be able to do so early next year.

I thank the Senator from Minnesota and the Senator from Ohio for giving me an opportunity to conclude my remarks.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Minnesota is recognized on this glorious Saturday afternoon.

HELPING A VETERAN FAMILY WITH AIDS

Mr. COLEMAN. Mr. President, I had the great pleasure of sitting in the Presiding Officer's chair yesterday when one of our colleagues said goodbye, the distinguished minority leader. It was a very stirring and moving speech about what this institution is all about.

I sat in the Senate when the senior Senator from Oklahoma said goodbye after 20-something years in this institution. I was in the chair when the candidate for the Vice President of the United States said goodbye after serving one term in this institution.

It is pretty humbling, to understand how incredible it is to be part of this body and all the things that one can do.

I am standing right now to say thank you to a Member who is still serving, who I hope will serve for a long time, the Senator from Missouri, Mr. BOND. Sometimes we wait until folks leave until we express our deep appreciation for all they do and all they have accomplished. For me, I feel moved to do this for a little act of kindness, of help he gave some constituents of mine.

In the Omnibus bill we will vote on, hopefully, sometime this afternoon, there is $388 billion laid out to be spent in that bill. The very last item of the 133 pages of the section that appropriates funds for the Veterans Administration and HUD, had to do with two individuals from Minnesota, Brian and Eric Simon, to receive $200,000, to be split between them. That constitutes 1/20,000th of 1 percent of the allocations in that bill, but to those young men it is so important. Let me tell a little story about why it is important and who these young men are.

In 1983, Douglas Simon, the father of Brian and Eric Simon, served in the Army National Guard at Fort Benning, GA. He was injured. He required emergency medical surgery. Mr. Simon's surgery was performed at Fort Benning, GA. As part of the surgery, a blood transfusion of nine units was required. The blood he received was not screened and contained the AIDS/HIV virus.

In 1984, Mr. Simon married Nancy and they had three children together, Brian, Eric, and Candace. Before the virus took their lives, and ultimately the lives of Candace, the daughter, and the mom Nancy, the Simons were a smalltown American family: hopeful, conventional, meat and potatoes, church every Sunday, Roman Catholic family with a Virgin Mary statute in the front yard. Old Glory hung on the flagpole every clement day.

I am reading from and reflecting on an article written in 1994 about the Simons.

Doug and Nancy had met in high school. They got married after they graduated. He joined the Minnesota Army National Guard out of high school. He had an accident and underwent surgery. Nancy was older than a year by Doug and grew up close by, a place called New Prague, MN, 1 of 11 children. She was quiet, timid.

When she and Doug first got married, they dreamed of having lots of kids. The oldest son is Brian. He was 10 in 1994 and he is 19 now. I got to know him. He was born before Doug and Nancy were infected. Eric escaped the virus, although he was born after Nancy had been infected.

They were just regular kids, lived a regular life, with a mom and a dad. They had a young sister, Candy. Candy was diagnosed with AIDS when she was 18 months old, in 1989. The doctors had treated her for a number of conditions. She had persistent diarrhea. She failed to thrive. She had countless CAT scans and blood tests. She learned how to push the plunger of a syringe as the myriad of medications increased. She went through a lot. She was, as her brothers tell me, a mischievous little girl, hamming it up, wearing Elton John-like oversized sunglasses, or a poster-child angel, always a mommy's girl.

Three months before preschool started, she complained about stomach pains. You know why it hurts? Because I have a bad tummy.

For her doctors, it was a little more puzzling than that, and x rays revealed spots on her colon the size of chicken pox. She suffered greatly. She suffered greatly. I almost tear up as I reflect on what this young girl went through. She died on June 25, wrapped in her mom's arms. She was a couple days shy of her sixth birthday. The mother also contracted AIDS and went through great pain and great suffering. Mom ultimately died of AIDS.

I got to know the family. My predecessor, Senator Wellstone, worked in trying to do something for them.

The VA provides health care to some 2,800 veterans who have contracted AIDS in the manner that Mr. Simon contracted AIDS. They provide disability compensation to veterans with AIDS and death and education benefits to the families of veterans who have succumbed to AIDS. In this respect, the VA treats AIDS like other service-connected health conditions.

But in an important way, AIDS is different. It is not like other connected services; it can be transmitted to the spouses and unborn children of servicemen. That is what happened here with Doug Simon. By law, the VA cannot provide any sort of benefits for illnesses contracted by these family members.

Last year, I introduced S. 1509, the Eric and Brian Simon Act. I thought it was a starting point to give a fair deal to veterans and their families with AIDS to provide a one-time $100,000 benefit to veterans who receive AIDS as a result of a blood transfusion from the service-related injury. For spouses who contracted AIDS from contact with the infected veteran, and offspring of the veteran or spouse infected with AIDS at birth, in the event that the veteran or family member has already

succumbed, compensation would be given to survivors.

That is what has happened here. Douglas Simon is still alive. He is wheelchair-bound, and he suffers from AIDS and AIDS-related conditions, but mom and Candy are gone.

We could not get the bill through. We worked hard. I went to my friend and colleague. We actually had a hearing on this, thanks to the goodness and magnificence of Senator SPECTER. It was an opportunity for Mr. Simon and the boys to come forward and explain what happened. We were not able to move the bill forward, but I met with my friend, Senator BOND, champion of the VA/HUD appropriations committees and laid out this story, this great tragedy of two young men whose lives have been just so excruciatingly painful but not as painful as what their little sister suffered, not as painful as what their mom suffered. Why I am so moved by this issue is perhaps because I have a sister who died from AIDS. I know what this is about, and I know the great pain.

So my colleague, Senator BOND, said: We have to try to figure out a way to help. So in the very last portion of the $388 billion bill, there is a provision to provide this $100,000 benefit for these two individuals.

In terms of the scope of this bill, this is a little nothing. But in terms of two kids from Minnesota, who have been through so much, whose dad served this country and suffered such great pain, this is something.

We work on a lot of things in this body. We deal at times with millions and billions of dollars. I have sat with my colleague, Senator TALENT, to my right, and at different points we talk about millions or tens of millions of dollars, and it gets almost abstract. It gets almost so impersonal at times. But the ability to help one family, to touch that one life, to make a difference in that life, to put a smile on their face, to say we are doing our best to correct an injustice, something that went wrong, to be able to deliver on that is very meaningful. It is very special.

As I look at what has come out of that Omnibus bill, and with this provision, it certainly has made we very proud to serve in this body. It has made me appreciative of the kindness and the consideration of my senior colleagues, such as Senator BOND, and I must say his staff member, Jon Kamarck, who worked on this legislation.

We often wait until folks say their goodbye, and we hear very moving and very stunning reflections on lives of service and what it means to be a part of this magnificent institution, the greatest deliberative body in the world, the U.S. Senate. I am humbled to be here, I am thankful to be here, and I am deeply appreciative of the actions and the conscience and the heart and the ability of my colleagues, and in this particular case of the chairman of the Appropriations VA–HUD subcommittee, the senior Senator from Missouri.

I just wanted to take this time to say thanks, to say it on the RECORD, to say it very loud and clear, to speak for two young Minnesota men who will be getting a little something back. You cannot take away and compensate for all the pain and all the suffering, but you can show that we care, and in this body we do care. I am honored to be part of this body.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Ohio.

INTERNET TAX MORATORIUM

Mr. VOINOVICH. Mr. President, on Wednesday of this week, by unanimous consent, the Senate adopted S. Con. Res. 146, which made slight modifications to S. 150, the Internet Tax Non-Discrimination Act.

I am pleased that the House passed S. 150 with the Senate changes, thereby clearing the legislation for President Bush's signature. It is long overdue.

This action ensures that Internet access will remain free from taxation, a policy that has existed since 1998, when, as Governor of Ohio and president of the National Governors Association, I helped negotiate the first moratorium.

I rise to commend my colleagues in the House and the Senate for resolving this issue in a bipartisan manner. Just over a year ago, the Senate became engaged in a spirited debate over the future of the Internet tax moratorium.

The sponsors of S. 150 argued that an expanded and permanent Internet tax moratorium was necessary to facilitate the growth of broadband Internet technologies.

On the surface, this sounded like a very reasonable position. In fact, after studying this issue, I realized that not all Internet technologies were being treated equally. For instance, some States treated digital subscriber line, DSL, service, which uses phone lines to provide high-speed Internet access, as a ''telecommunications service'' and therefore taxed it. Other States treated DSL Internet access as an ''information service'' exempt from taxation. The inconsistent treatment of DSL service created a competitive disadvantage for some Internet service providers, and I was willing to help level the playing field. However, several of my colleagues and I, including Senators ALEXANDER, CARPER, FEINSTEIN, and BOB GRAHAM of Florida, had more serious concerns with S. 150.

Specifically, the CBO stated that the new and expanded definition of ''Internet access'' in S. 150 was an unfunded mandate. Therefore, it was believed that S. 150 would cause significant revenue losses for our State and local governments at a time when they were facing their worst economic crisis in a generation.

In fact, the State of Ohio projected revenue losses of up to $350 million per year if the Commerce Committee's version of S. 150 passed the Senate. As a former mayor and Governor, I knew my State could not afford to lose $350 million per year.

Fortunately, the debate on S. 150 was taken off the floor, where Members and staff could try to close the chasm that separated the two sides. From November 2003 to April 2004, Members and staff worked feverishly to find common ground. Both sides listened and worked in good faith. Although it took a few months, I was pleased with the end result.

The final bill, which passed the Senate on April 29, 2004, by a vote of 93 to 3, created a level playing field for Internet service providers sought by the bill's sponsors, while at the same time protected State and local governments from any immediate financial harm.

I was pleased that the original grandfather clause was extended for the length of the moratorium because it provided protections to States, including Ohio, from losing further revenue.

Finally, the negotiated 4-year term of this legislation provides Congress with the necessary time to examine and understand how the new and expanded definition of ''Internet access'' affects both the growth of broadband Internet service and the revenue base of State and local governments. There has to be some balance.

Senator STEVENS assures me that the Commerce Committee will closely reexamine these issues next Congress. In fact, we just talked about it 10 minutes ago, about the fact he wants to move forward very expeditiously to tackle this very complicated subject.

I commend the Presiding Officer, Senator ALLEN, and Senator WYDEN for their leadership and commitment to this issue. Certainly, no two Members of the Senate have spent more time on it. I also thank Senator MCCAIN for his patience and perseverance and willingness to offer a reasonable compromise upon which both sides could agree.

Additionally, I offer my thanks to Senators ALEXANDER and CARPER. Their vision and steadfast determination to protect State and local governments is commendable, and I was proud to work so closely with my colleagues and former Governors on this issue.

Finally, I would be remiss if I did not thank the staff of the Presiding Officer and the staff of other Senators for their hard work and dedication. They really rolled up their sleeves and went to work. They spent hours, countless hours, negotiating subtle yet important nuances in the legislative language in order to reach a compromise. Some of those nuances I had a very difficult time understanding, but they understood them, thank God. The debate and end result of the Internet tax moratorium proves we can work through difficult and highly technical issues in a bipartisan manner.

As the 108th Congress comes to a close, it is my sincere hope that the same type of bipartisan spirit can be extended into the 109th Congress. It is vital that Members of this body work together to find common ground on issues that are important to our citizens, our States, our country, and, in some instances, the world.

I, for one, am looking forward to the challenges we face and am confident we can solve the difficult issues for our day and leave a lasting legacy for our children, grandchildren, and future generations.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THANKING CHAIRMAN STEVENS

Mr. COLEMAN. Mr. President, I got up here about an hour ago to pay homage, to pay tribute to the senior Senator from Missouri, the chairman of the VA/HUD Appropriations Committee, for his help in finding a way to compensate two young men from Minnesota who have suffered great personal tragedy. I must confess to a rookie mistake in not recognizing at the same time a person without whose help, approval, and guidance this never would have happened, and that, of course, is the chairman of the Appropriations Committee, Senator STEVENS from Alaska. I know he was personally involved in this. In fact, he commented to me this is one of the worst, most terrible circumstances, and we need to address it. He has pledged on a longer term basis, even next year, to look at other situations like this so that we do the right thing.

I want to say on the record to my friend, the chairman of the Appropriations Committee, how appreciative I am, how thankful I am, how grateful I am for all he does, for his guidance in putting together a huge package that deals with big things but doesn't forget little things. Sometimes the little things are big things. In this case, this somewhat little thing—little in the scope of a $388 billion bill, but big for two young men who have suffered so much—would not have happened without the help and the direction of the chairman of the Appropriations Committee. I wanted to make that clear on the record my deep appreciation for his big heart, for his guidance and mentorship, his concern, and ultimately his ability to get things done.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONTINUING SAGA OF BOSTON'S BIG DIG

Mr. MCCAIN. Mr. President, I come to the floor to discuss the continuing saga of Boston's big dig, an issue I have been involved in now for many years. As usual, the news is not good.

As most of my colleagues know, the Central Artery/Ted Williams Tunnel Project in Boston, more commonly known as the big dig, apparently has sprung a leak or, more accurately, hundreds of leaks.

The two independent engineers brought in by the Massachusetts Turnpike Authority are still assessing the extent of the problem. But so far, over 400 leaks have been identified that they say could take a decade—and millions of dollars—to fix. And on Wednesday, the Boston Globe reported that documents obtained by the newspaper indicate there are ''thousands of ceiling and wall fissures, water damage to steel supports and fireproofing systems, and overloaded drainage equipment''.

It comes as no surprise that all of the parties involved in this latest scandal are holding each other, but not themselves, accountable. Modern Continental Construction Company, which performed the work where the 8-inch ''blow out'' leak occurred in the northbound section of the I–93 tunnel in September, believes the project's engineer, and joint venture of Bechtel Corporation and Parsons Brinckerhoff, is responsible because of faulty design work. The Turnpike Authority insists that even though a senior agency official was notified of the leak problem in 2001, the contractors and the project engineer are the responsible parties. The Governor believes that Turnpike Authority bears responsibility and has asked for Chairman Amorello's resignation. With all the finger-pointing, I am concerned that the taxpayers could end up footing at least part of the bill for repairs.

I do not intend to allow this to happen. The newly-discovered leaks are just another in a long list of costly failures in the continuing saga of the bid dig.

The Central Artery Tunnel Project was conceived in 1981 and received initial approval in 1985. Construction began in 1991 with a target completion date of December 1998. I repeat, the target completion date of the Central Artery Tunnel Project, known as the big dig, was December 1998. As I calculate, it is now 6 years later. Over the intervening years, the completion date slipped nearly 7 years. The current forecast is for the project to be completed between May and November of 2005.

As delays for the project mounted over the years, the costs of the project spiraled out of control. According to this chart, it was estimated in 1985 that the big dig would cost $2.6 billion. When the project is finally completed next year, the total cost is projected to be $14.6 billion, roughly 5.5 times the original estimate. That does not count the newly discovered leaks and the repairs which, in the view of some, would take 10 years to fix.

We now know that billions of the cost overruns are attributable to mistakes and deliberate misstatements by the project managers. We have had over 20 reports from the Department of Transportation Inspector General which has tracked this very carefully. There have been deliberate misstatements by the project managers, made not only to the people of Massachusetts but also to the Congress of the United States. Several years of low-ball cost estimates finally caught up with the big dig in the year 2000.

In January of that year, the Turnpike Authority submitted its annual financial plan, estimating the cost of the big dig at $10.8 billion.

The following month, on the same day the Federal Railroad Administration accepted the plan as valid, the Turnpike Authority announced the project would cost $12.2 billion, or an estimated additional $1.4 billion.

Bechtel/Parsons Brinckerhoff blamed the increase on unforeseen cost increases and shortening the construction schedule by 2 years. But a series of articles by the Boston Globe concluded that the majority of the $1.4 billion cost overrun was due to design errors by Bechtel/Parsons Brinckerhoff. In one instance, the engineering firms failed to include the FleetCenter, the sports center home to the Boston Bruins and Boston Celtics, in the designs for the project. Months of construction took place before the design flaw was detected. This mistake alone cost taxpayers $991,000.

The Department of Transportation Inspector General and all members of the Commerce Committee are aware of the incredible work the Department of Transportation Inspector General has done, which issued 20 reports on the big dig, and was highly skeptical of the project managers' cost projections, and concluded in May 2000 that the project's managers were ''well aware that costs were increasing significantly'' and ''deliberately withheld'' information about cost increases in the 1998 and 1999 financial plans.

That statement by the Department of Transportation Inspector General bears repeating. It concludes that the project's managers were well aware that costs were increasing significantly and deliberately withheld information—that includes the Congress of the United States—about cost increases in the 1998 and 1999 financial plans.

Last year, the Securities and Exchange Commission determined the Turnpike Authority and its former

chairman, James Kerasiotes, had violated the securities laws by failing to disclose to investors during the 1999 bond offerings that they knew of the more than $1 billion in cost overruns related to the project. The Securities and Exchange Commission order noted:

Reasonable investors would have considered project cost increases in excess of $1 billion to be an important factor in the investment decisionmaking process . . . In addition to being a substantial amount in absolute terms, the cost increases equal to approximately 3% of the total revenues of the Commonwealth estimated for fiscal year 2000 and 2001 . . . and 9% of the total Commonwealth debt load as of January 1, 1991, and exceeded the amount of the Commonwealth's rainy day fund.

After the revelations in 2000 about the rising cost of the project, I sought and achieved an overall Federal cap for the big dig of $8.549 billion in fiscal year 2001 transportation appropriations legislation. The cap was also incorporated in a project partnership agreement entered into June 22, 2000, by the Federal Railroad Administration and the Commonwealth to improve management and oversight of the big dig.

As a result of the cap, the Federal taxpayers should be protected from additional project costs. Without the cap, the Federal share of the big dig could have been as much as $12 to $13 billion.

Efforts are underway to recover project costs associated with change orders, led by retired probate judge Edward M. Ginsburg at the Turnpike Authority. The cost recovery team, as of March 2004, identified 634 potential cost recovery items valued at over $744 million, but today the team has only recovered $3.5 million from one design consultant and none has been refunded from Bechtel/Parsons Brinckerhoff, although the Turnpike Authority and the Commonwealth have filed suit against the joint venture, seeking $146 million in damages. Eventually, perhaps, the taxpayers will recoup some modest portion of the costly mistakes.

Since Federal oversight of the big dig by the Department of Transportation Inspector General and the Federal Railroad Administration was strengthened in 2000, the big dig has submitted realistic financial plans and construction has preceded relatively on schedule. Even as portions of the project were being completed, taxpayer dollars were being improperly spent. In 2002, the Turnpike Authority spent $373,000 to host walking tours of the bridge and the I–93 tunnel. Later that year, the Turnpike Authority threw a $1 million party to celebrate the opening of the Leonard P. Zaim Bunker Hill Bridge. Nearly half the expenses, $450,000, were paid for with public funds.

In December 2003, Chairman Amorello's plans to celebrate the opening of the southbound I–93 tunnel with a concert by the Boston Pops for 2,000 invited guests caused an uproar. While the $250,000 cost of the concert could have been donated by Citizens Bank, Chairman Amorello reportedly planned to use up to $200,000 in public funds for security and site preparation. Ultimately, the event was cancelled, but only after Citizens Bank, a major sponsor of the event, complained about diverting highway beautification funds to help pay for the event.

It is also the matter of the big dig's headquarters building. In 1992, they purchased their headquarters building for $29 million, $26 million of which was financed with Federal highway funds. The Commonwealth now plans to sell the building and expects to see $97 million net of transaction costs. The Federal Railroad Administration has concluded that Massachusetts may treat the proceeds from the sale as State funds, even though the Federal Government funded 90 percent of the purchase. And the Government Accountability Office has concluded that the Federal share of the proceeds from the sale of the headquarters building does not count against the statutory Federal cap.

I remain firmly committed to protecting Federal taxpayers from incurring any additional expenditure for the big dig, including costs associated with the sale of property, fixing hundreds of leaks in the tunnels, or celebrating the completion of a project not well done.

Mr. President, I ask unanimous consent that articles from the Boston Globe and the Boston Herald be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Boston Herald, Nov. 14, 2004]

WITH TUNNEL ALL WET, BUILDER DRAINS STATE

(By Casey Ross)

A confidential agreement that paid the Big Dig's lead contractor for additional work on a defective section of the Interstate 93 tunnel also included a hefty cash advance and money for the leaky Fort Point Channel tunnel, according to court documents and a former state official.

The agreement, a $59 million payout authorized by top Massachusetts Turnpike Authority officials in 2002, paid Modern Continental without demanding compensation for its faulty work, the court papers say.

''The Authority cannot protect (Modern Continental) from itself or place the interests of the (contractor) before the interests of . . . the commonwealth and its taxpayers,'' former Turnpike board member Christy Mihos said in a 2002 letter to Chairman Matthew Amorello.

The payout is significant because top Turnpike Authority officials knew of Modern's faulty work—both in the Fort Point Channel and the Interstate 93 tunnel—and did nothing to hold the contractor accountable, former officials say.

The payout also could jeopardize the state's efforts to recover costs for repairs to hundreds of leaks in the tunnels—an assertion Turnpike Authority officials deny because of contract language they say gives them broad collection powers.

In court papers responding to a lawsuit filed by Mihos—the suit alleges Amorello and a Turnpike lawyer refused to give him access to records—Turnpike officials say the $59 million agreement was necessary to allow financially troubled Modem Continental to finish its work.

Lawyers for the Turnpike also say Mihos was twice given an opportunity to review the agreement.

Money that was paid for the Fort Point Channel tunnel, which sprung a massive leak in September 2001, capped the amount spent on that contract at $417 million, a 39 percent increase over its original price.

Before reaching that agreement, Pike officials launched a complaint investigated by the Attorney General's office that Modern Continental had filed false monetary claims for tunnel work.

But Mihos said top Turnpike Authority officials, by authorizing a payout in 2002 that paid for work not yet performed, did little to hold the contractor accountable.

''We do not work for (Modern Continental), they work for us,'' Mihos wrote to Amorello. ''. . . We cannot and must not place the (Big Dig) or its funds in jeopardy.''

[From The Boston Globe, Sept. 16, 2004]

ARTERY TUNNEL SPRINGS LEAK, TRAFFIC SNARLED; BIG DIG CLOSES LANES, SEEKS CAUSE, AIMS FOR FULL REOPENING

(By David Abel and Mac Daniel)

Water gushed into the Central Artery's northbound tunnel for hours yesterday from a small breach in the eastern wall, backing up afternoon rush-hour traffic for miles and leaving Big Dig officials at a loss to explain where the water was coming from and what had caused the leak.

In the first couple of hours after the leak was reported, about 1:45 p.m., officials closed two lanes in the northbound tunnel and all onramps from the Massachusetts Turnpike. Traffic on the Southeast Expressway backed up to Quincy, and there were long delays on the turnpike approaching the interchange.

Big Dig officials said at a late afternoon press conference that they hoped to reopen all the tunnel's northbound lanes by this morning's commute. But they said they did not know how long it would take to find the source of the leak and repair the damage, and they could not guarantee that work would be finished in time.

By late afternoon, officials could not provide an estimate of how much water had flowed into the tunnel. For safety and to soak up the water, highway workers piled sandbags along the eastern wall and poured sand in the right lane.

Officials and engineers were so uncertain about the origin of the water that some tasted it. The likely source, they said, was groundwater, because that portion of the tunnel sits 110 feet underground.

One theory for the leak was that sand or clay got into the poured concrete in the tunnel's slurry wall during construction, said Sean O'Neill, a spokesman for the Massachusetts Turnpike Authority, which oversees the $14.6 billion Big Dig project.

O'Neill said it is possible that groundwater ate away at the sand and carved a small leak in the wall.

During construction of the Big Dig, engineers and workers built the slurry walls by first digging a series of deep trenches, which were filled with a clay substance. Concrete was then pumped underneath, displacing the clay and forming the tunnel's concrete walls.

Keith Sibley, director of construction for Bechtel/Parsons Brinckerhoff, the consortium responsible for major portions of the Big Dig, sought during the press conference to reassure drivers and state officials that there were no safety concerns.

''Structurally, there's no problem with the tunnel at all,'' he said.

But state officials said they would hold the consortium responsible for all costs of sealing the leak and repairing the wall.

''Believe me, as a customer of the product we constructed, I'm not happy right now,'' said Matthew J. Amorello, chairman of the

Massachusetts Turnpike Authority, which oversees the $14.6 billion Big Dig project. ''It's unacceptable, and we're going to deal with it.''

Bechtel/Parsons officials said last night that Modern Continental, the contractor that built the tunnel's slurry walls 10 years ago, would pay for the repairs.

''Modern Continental has accepted responsibility and will make all the repairs as quickly as possible,'' said Andrew Paven, a Bechtel/Parsons spokesman.

But last night, a spokeswoman for Modern Continental said that no such agreement had been reached. ''The cause of the leak has not been determined, and no conversation about the cost of the repairs has taken place,'' said the spokeswoman, Lorraine Marino.

About 7 last night, Big Dig engineers met in a office at the project's headquarters on Kneeland Street to figure out how to plug the hole without making the problem worse. The engineers said that removing tiles along the wall could expand the leak.

Officials were notified about the leak when motorists began reporting water seeping through Jersey barriers along the northbound tunnel's eastern wall.

Shortly after those reports, with the water flow at its heaviest, officials closed two lanes of the northbound tunnel, which produced the miles-long backup.

To ease congestion, officials opened the Haul Road off Interstate 93 north at 3:30 p.m., a road normally limited to commercial traffic. At the same time, they closed the entrance into the tunnel from Congress Street. And 15 minutes later, officials closed all onramps from the turnpike leading to northbound tunnel.

By early evening, the closing was reduced to one lane, and traffic was flowing. So was the water, which continued to form a small pool in the right lane of the tunnel about a quarter mile south of Exit 23 to Government Center.

A stream of water trickled between sandbags and rippled in a puddle about 5 inches deep and two cars long in the right lane.

Officials said they found an 8–inch hole in the slurry wall, one of the Big Dig's signature innovations, and sent a special team of construction workers to inspect whether the damage was more extensive.

Officials said there was no connection between yesterday's leak and a water leak last winter, when ice formed on the road surface in the northbound and southbound tunnels. The ice was blamed on the presence old steel footings from the elevated Central Artery, which allowed rainwater to seep into the tunnel.

While construction of the Big Dig is nearing an end, the process for determining who should pay for the cost overruns in the project is ongoing.

In February 2003, Amorello appointed Edward M. Ginsburg, a retired state judge, to lead a review of the project with an eye to holding contractors responsible for mistakes. To date, Ginsburg's team of lawyers and engineers has identified more than 700 construction issues and has recovered $3.5 million from a design firm.

The Ginsburg team has filed several lawsuits against other design firms, including one seeking $150 million from Bechtel/Parsons Brinckerhoff, the project's overall manager.

Last night, Ginsburg said he could not comment on the leak, but promised an aggressive investigation on behalf of taxpayers.

''We will definitely get all the preliminary reports and send our people in to look at this,'' he said. ''This shouldn't happen, and somebody has got to make an explanation, and I can assure you it is not going to get by us. We will look at this, absolutely.''

[From the Boston Globe, Nov. 17, 2004]

LIST OF TUNNEL TROUBLES GROWS LONGER, MORE LEAKS, DAMAGE FOUND

(By Raphael Lewis and Sean P. Murphy)

The Big Dig's tunnel leak problem is far more costly and extensive than Massachusetts Turnpike officials and private contractors have acknowledged, involving thousands of ceiling and wall fissures, water damage to steel supports and fireproofing systems, and overloaded drainage equipment, according to documents obtained by the Globe.

Turnpike officials and private-sector managers Bechtel/Parsons Brinckerhoff have together signed off on at least $10 million in cost overruns to repair the leaks and water damage since early 2001, the records show, and the problem persists.

Turnpike officials did not acknowledge the leak problem until it was revealed in the Globe last week.

All this occurred while engineers worked frantically to come up with a permanent solution for waterproofing the tunnels, an effort that continues today, according to project documents.

The problem stems in part from an apparent projectwide failure in the original design of the waterproofing system, a critical feature of a tunnel that sits almost entirely beneath the salty water table of downtown Boston. In a confidential report commissioned by the Turnpike in 2001 by the auditing firm Deloitte & Touche, project officials acknowledged that ''the original design provided insufficient protection against leaking'' at the top of tunnel walls.

With construction of the tunnels well underway and with water seeping in through joints between the roof and tunnel walls and between panels, Bechtel/Parsons Brinckerhoff abandoned its initial waterproofing system, a membrane applied to the roof and walls that had proved incapable of stopping water. Contractors were ordered to apply a spray-on application instead.

Doug Hanchett spokesman for the Massachusetts Turnpike Authority, which oversees the Big Dig said that the agency has made progress in controlling the leak problem and that the authority is working to recoup costs from contractors.

''This issue is something that will resolve itself through the construction process, and we fully expect that the contractors will perform the waterproofing work, as required in their contracts,'' Hanchett said.

Earlier this month, a team of independent engineers hired to investigate a massive leak that erupted in September said the project was riddled with more than 400 leaks throughout the tunnel system.

However, the documents obtained by the Globe show nearly 700 leaks in just one 1,000–foot section of the Interstate 93 tunnels beneath South Station. The documents include memorandums, diagrams, photographs, and correspondence pertaining to the Central Artery tunnels.

According to documents detailing modification to tunnel finishing contracts, which were obtained by the Globe, the Turnpike Authority and Bechtel/Parsons Brinckerhoff established a Leak Task Force in early 2001 and is now allocating $250,000 a month for the firm McCourt/Obiyashi to send repair teams into virtually all sections of the I–93 tunnels. McCourt/Obiyashi's initial contract, which began in 1999, had no such provisions for leak repair, but by mid-2001 the firm was extensively engaged in that effort, the documents show.

For example, in August 2003, tunnel officials, approved a $205,000 plan to replace 300 wall panel connectors in the downtown tunnels because ''excessive tunnel leakage with high salt content has caused unacceptable corrosion.''

In another instance in March 2001, McCourt/Obiyashi was told to extend tubes that contained liquid concrete grout for leak repairs throughout the tunnels. That work cost $300,000.

George J. Tamaro, an independent engineer hired by the Turnpike Authority to investigate the source of the massive tunnel leak that erupted in September, said that the roof's waterproofing membrane didn't work as intended and that engineers have used concrete grout for several years to try to plug the leaks. He said problems with leaks seemed to occur when the weather becomes colder.

Tamaro and another engineer hired to investigate the situation, Jack K. Lemley, said a permanent solution to address the problem is needed, or workers will spend years, perhaps even a decade, patching and repatching the leaks.

Anthony Lancellotti, a Bechtel/Parsons Brinckerhoff design executive, said that ''there are a lot of theories'' on the cause of the leaks and that he is not allowed to discuss them because of ongoing investigations by Bechtel/Parsons Brinckerhoff, the Turnpike Authority, the state attorney general's office, and the US Department of Transportation's inspector general.

But Lancellotti insisted that there has been a dramatic drop in the number of leaks due to ongoing repairs. He said that using grout to close leaks is a hit-or-miss proposition. Workers drilling into the concrete to inject the grout are never sure the holes they have drilled intersect with the path of the leak.

''Drilling is exploratory,'' he said. ''You have to do it several times. You chase leaks; that's the nature of the business. But we have seen a dramatic improvement.''

Attorney General Thomas F. Reilly, who said his office is meeting regularly with engineers trying to get refunds for shoddy work, predicted that the cost of fixing the roof leaks will be much more than the $10 million already spent by the Turnpike Authority, and he called on the contractors involved, including Bechtel/Parsons Brinckerhoff, to cover those costs.

In addition to the $10 million allocated so far, project construction contractors who built the tunnels have on their own spent at least $6 million plugging leaks, according to construction industry officials who spoke on condition on anonymity.

Some of the contractors are now pressing hard to be compensated by the state for those expenses.

One firm, Modern Continental, has submitted a bill of roughly $4 million for leak repair work, and is asserting that the leakage problem is the result of a flawed design by Bechtel/Parsons Brinckerhoff.

But the Turnpike Authority and Bechtel/Parsons Brinckerhoff have insisted that the design was appropriate.

[From the Boston Herald, Sept. 17, 2004]

SPONGEBOB TUNNEL SIMPLY LEAVING TAXPAYERS ALL WET

(By Howie Carr)

They're going to make a movie about the Big Dig.

They'll call it ''The Poseidon Adventure.'' Or maybe '' 15 Billion Dollars Under the Sea.'' Or ''Voyage to the Bottom of the Tunnel.''

Another day, another flood. And Wednesday was a dry day, too, as you well recall, if you were caught in the traffic jam for two or three hours. It hadn't rained in a week, but suddenly there was a flood. It was a small gusher, a Newton Lower Falls type of cascade. But you have to wonder, how long until we get a Niagara down there in the Liberty Tunnel?

In case you've forgotten, the Big Dig cost $14.6 billion.

And it leaks. It has more holes in it than a ''60 Minutes'' investigation.

Riding into the tunnel is like going through a car wash, only you can't get a wax job. The next time they have a grand opening ribbon-cutting down there, they should forget the elephants and invite SpongeBob SquarePants instead.

How many more times do we have to endure Fat Matt Amorello, the bloated hack who runs the Big Dig, at a press conference, flopping like a fish, as SpongeBob would say? Talk about nautical nonsense.

To quote Fat Matt: ''I'm not a happy customer.''

''I didn't know he was a customer,'' said Christy Mihos, the former Pike board member. ''I thought he was the boss.''

Only when there's a ribbon to be cut.

''The Big Dig,'' Amorello says in one of the Pike's many four-color handouts, ''has evolved into the single largest, most complex highway project on the planet.''

And it leaks.

Yesterday, Fat Matt was talking about a ''forensic'' investigation. What a joke. After years of cost overruns and water overflows, Fat Matt has got about as much credibility as Dan Rather talking about his ''unimpeachable sources.''

Why won't Gov. Mitt Romney fire Fat Matt? That's been the question for a long time now. Of course, Mitt needs ''just cause''—that was the ruling of the SJC in the firings of Christy Mihos and Jordan Levy by then-Gov. Jane Swift. But how much more inepitude can Mitt tolerate? This guy Fat Matt is a walking blister.

But after this latest flood, it appears that there may be some method to Mitt's madness. These leaks, after all, are just going to keep coming, no matter what they say. So Mitt needs a . . . hostage, someone he can whack when the time comes. Remember Jim Kerasiotes?

If—when?—the day comes that you need Noah's Ark to get around down there, someone's going to have to take two in the hat. And Mitt can say, hey, I tried to blow out this bindlestiff, but the Legislature refused to pass my highway reorganization plan.

Mitt's good at this kind of in-fighting. Look at the convention in July. He washed his hands of that fiasco pretty well. He offered the DNC the use of the convention center in South Boston, and then when the city shut down for a week, Mitt said, that's too bad, I wish they'd taken me up on my offer.

Now Mitt wants to run for president, and the last thing he needs to do is preside over a flooded-out, $15 billion tunnel. Better Trav should take the hit.

Of course, whenever Fat Matt's minions talk about this fiasco, they mention how much money they've gotten back from the contractors. So far, on a $14.6 billion project, they've recovered $3.5 million.

That would be like if you hired a guy to fix the roof on your house for $10,000, and the first time it rained, the water was coming into every nook and cranny in your home. And then the contractor told you, hey, that's a shame, so I'm going to give you a refund—here's $30.

Why don't we just rename the tunnel after SpongeBob SquarePants? Absorbent and yellow and porous is he—just like the tunnel.

[From the Associated Press State & Local Wire, Nov. 10, 2004

BIG DIG OFFICIALS: TAXPAYERS WON'T PAY TO REPAIR LEAKS

By Steve Leblanc

BOSTON—The Big Dig is riddled with leaks that are dumping millions of gallons of water into the $14.6 billion tunnel system, according to an engineer hired to investigate the cause of a massive leak in September.

Locating and fixing the hundreds of leaks could take up to 10 years, said Jack K. Lemley, a consultant hired by the Massachusetts Turnpike Authority to investigate the problem.

''There is no public safety issue,'' Turnpike Authority Chairman Matthew Amorello said Wednesday, adding that the tunnels remain structurally sound, and the drainage system is keeping water off the roadways.

Lemley told The Boston Globe that repairing September's leak alone would require two months and lane closures. But Amorello said that taxpayers and motorists who pay tolls will not foot the bill for repairs.

Lemley's team also found documents showing that managers of Bechtel/Parsons Brinckerhoff, the private consortium that managed the project, were aware that the wall breached this fall was faulty when it was built in the late 1990s, but did not order it replaced and did not notify state officials.

Retired judge Edward M. Ginsburg, leader of a state-appointed team reviewing overcharges by Big Dig contractors, said he has spoken to Attorney General Tom Reilly about filing a lawsuit targeting Bechtel and Modern Continental, the contractor that built the wall section that leaked in September.

''I can honestly say we were shocked,'' Ginsburg told the Globe. ''I can assure you we're going to make sure there is a thorough investigation.''

Turnpike Authority member Jordan Levy promised to make the contractors pay for repairing the leaks. mat.

''I'm outraged and dismayed at the quality of some of this work,'' he said. ''We are not going to let anyone off the mat.

''If there was a cover-up involved in this, I would expect the attorney general would bring this before a grand jury to determine if there is criminal intent here,'' he said.

Levy said either the Bechtel project was incompetent or there was ''malfeasance at the highest level.''

''I don't think they're stupid,'' he said.

Levy said the scope of the problem was ''beyond comprehension,'' given the years and billions of tax dollars spent.

He added that more tax dollars would be spent to fix the problem, ''over my dead body.''

In September, an eight-inch leak sprung in the northbound lanes of the Interstate 93 tunnel and caused 10–mile backups on the highway.

Bechtel/Parsons Brinckerhoff issued a statement Tuesday saying:

''While the cause of the September water leak in the northbound tunnel remains under investigation, it would be inappropriate for us to comment on specific allegations. ... In a tunnel of this construction type, seepage is inevitable, but is mitigated by proper engineering and maintenance programs, which have been planned for and are in place. The tunnel is structurally sound.''

Modern Continental, the largest contractor on the project, also issued a statement.

''The results of the investigation will conclude that Modern's workmanship was in accordance with contract plans and specifications,'' it said.

Ginsburg said his team will demand that the contractors fix the problem at no cost to taxpayers. He could not estimate the cost.

The September leak was the latest in a series of embarrassing episodes in the two-decade construction of the Big

Dig, formally called the Central Artery/Third Harbor Tunnel project.

In January, ice formed in the tunnels, forcing officials to close lanes and jamming up traffic. And in 2001, a leak spouted from under one of six concrete tubes being put in place to carry Interstate 90 through the Fort Point Channel.

The Big Dig replaced the elevated Central Artery of Interstate 93 with underground tunnels through downtown

Boston. It also connected Interstate 90—the Massachusetts Turnpike—to Logan International Airport, and added the Ted Williams Tunnel beneath Boston Harbor.

Mr. MCCAIN. Mr. President, on November 17, there was an article in the Boston Globe: ''List Of Tunnel Troubles Grows Longer, More Leaks, Damage Found.'' I will quote parts of the article:

The problem stems in part from an apparent projectwide failure in the original design of the waterproofing system. . . .

Earlier this month, a team of independent engineers hired to investigate a massive leak that erupted in September said the project was riddled with more than 400 leaks throughout the tunnel system.

However, the documents obtained by the Globe show nearly 700 leaks in just one 1,000-foot section of the Interstate 93 tunnels beneath South Station. . . .

In addition to the $10 million allocated so far, project construction contractors who built the tunnels have on their own spent at least $6 million plugging leaks, according to construction industry officials who spoke on condition of anonymity.

Some of the contractors are now pressing hard to be compensated by the state for those expenses.

One firm, Modern Continental, has submitted a bill of roughly $4 million for leak repair work, and is asserting that the leakage problem is the result of a flawed design by Bechtel/Parsons Brinckerhoff. . . .

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Tamaro and another engineer hired to investigate the situation, Jack K. Lemley, said a permanent solution to address the problem is needed, or workers will spend years, perhaps even a decade, patching and repatching the leaks.

An article in the Associated Press:

The team of consulting engineers also said it found documents showing that managers of Bechtel/Parsons Brinckerhoff, the private consortium that oversaw the project, were aware that the wall was faulty when it was built in the late 1990s but did not tell the Turnpike Authority about it.

Another article in the Associated Press:

Locating and fixing the hundreds of leaks could take up to 10 years, said Jack K. Lemley, a consultant hired by the Massachusetts Turnpike Authority. . . .

Lemley's team also found documents showing that managers of Bechtel/Parsons Brinckerhoff, the private consortium that managed the project, were aware that the wall breached this fall was faulty when it was built in the late 1990s, but did not order it replaced and did not notify state officials.

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To quote Fat Matt: ''I'm not a happy customer.''

''I didn't know he was a customer,'' said Christy Mihos, the former Pike board member. ''I thought he was the boss.''

Only when there's a ribbon to be cut.

I commend this article to all of my colleagues' reading. It is very entertaining. And since it is such a sad kind of a situation, maybe there is room—

Why don't we just rename the tunnel after SpongeBob SquarePants? Absorbent and yellow and porous is he—just like the tunnel.

I think that is pretty much of a high point or low point of my selective reading from articles from the Boston Globe and the Boston Herald and the Associated Press.

Mr. President, in summary, this is a serious situation. I do not believe the taxpayers of America should pay any more money in this effort. No funds have been recovered from Bechtel/Parsons Brinckerhoff, although the Turnpike Authority and the Commonwealth have filed suit against the joint venture.

I hope we can get this cleared up as soon as possible. I would assume next year the Commerce Committee will have additional oversight hearings on this issue. This is not a good day for the taxpayers of America.

FAMILY ENTERTAINMENT AND COPYRIGHT ACT OF 2004

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3021, which was introduced earlier today by Senators HATCH and LEAHY.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3021) to provide for the protection of intellectual property rights and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the McCain amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions 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 amendment (No. 4074) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 3021), as amended, was read the third time and passed, as follows:

S. 3021

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 ''Family Entertainment and Copyright Act of 2004''.

TITLE I—ARTISTS' RIGHTS AND THEFT PREVENTION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Artists' Rights and Theft Prevention Act of 2004'' or the ''ART Act''.

SEC. 102. CRIMINAL PENALTIES FOR UNAUTHORIZED RECORDING OF MOTION PICTURES IN A MOTION PICTURE EXHIBITION FACILITY.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding after section 2319A the following new section:

''§ 2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility

''(a) OFFENSE.—Any person who, without the authorization of the copyright owner, knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under title 17, or any part thereof, from a performance of such work in a motion picture exhibition facility, shall—

''(1) be imprisoned for not more than 3 years, fined under this title, or both; or

''(2) if the offense is a second or subsequent offense, be imprisoned for no more than 6 years, fined under this title, or both.

The possession by a person of an audiovisual recording device in a motion picture exhibition facility may be considered as evidence in any proceeding to determine whether that person committed an offense under this subsection, but shall not, by itself, be sufficient to support a conviction of that person for such offense.

''(b) FORFEITURE AND DESTRUCTION.—When a person is convicted of a violation of subsection (a), the court in its judgment of conviction shall, in addition to any penalty provided, order the forfeiture and destruction or other disposition of all unauthorized copies of motion pictures or other audiovisual works protected under title 17, or parts thereof, and any audiovisual recording devices or other equipment used in connection with the offense.

''(c) AUTHORIZED ACTIVITIES.—This section does not prevent any lawfully authorized investigative, protective, or intelligence activity by an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting under a contract with the United States, a State, or a political subdivision of a State.

''(d) IMMUNITY FOR THEATERS.—With reasonable cause, the owner or lessee of a facility where a motion picture is being exhibited, the authorized agent or employee of such owner or lessee, the licensor of the motion picture being exhibited, or the agent or employee of such licensor—

''(1) may detain, in a reasonable manner and for a reasonable time, any person suspected of a violation of this section for the purpose of questioning or summoning a law enforcement officer; and

''(2) shall not be held liable in any civil or criminal action arising out of a detention under paragraph (1).

''(e) VICTIM IMPACT STATEMENT.—

''(1) IN GENERAL.—During the preparation of the presentence report under rule 32(c) of the Federal Rules of Criminal Procedure, victims of an offense under this section shall be permitted to submit to the probation officer a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

''(2) CONTENTS.—A victim impact statement submitted under this subsection shall include—

''(A) producers and sellers of legitimate works affected by conduct involved in the offense;

''(B) holders of intellectual property rights in the works described in subparagraph (A); and

''(C) the legal representatives of such producers, sellers, and holders.

''(f) STATE LAW NOT PREEMPTED.—Nothing in this section may be construed to annul or limit any rights or remedies under the laws of any State.

''(g) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) TITLE 17 DEFINITIONS.—The terms 'audiovisual work', 'copy', 'copyright owner', 'motion picture', 'motion picture exhibition facility', and 'transmit' have, respectively, the meanings given those terms in section 101 of title 17.

''(2) AUDIOVISUAL RECORDING DEVICE.—The term 'audiovisual recording device' means a digital or analog photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319A the following:

''2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility.''.

(c) DEFINITION.—Section 101 of title 17, United States Code, is amended by inserting after the definition of ''Motion pictures'' the following:

''The term 'motion picture exhibition facility' means a movie theater, screening room, or other venue that is being used primarily for the exhibition of a copyrighted motion picture, if such exhibition is open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances.''.

SEC. 103. CRIMINAL INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) PROHIBITED ACTS.—Section 506(a) of title 17, United States Code, is amended to read as follows:

''(a) CRIMINAL INFRINGEMENT.—

''(1) IN GENERAL.—Any person who willfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed—

''(A) for purposes of commercial advantage or private financial gain;

''(B) by the reproduction or distribution, including by electronic means, during any 180–day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $1,000; or

''(C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution.

''(2) EVIDENCE.—For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement of a copyright.

''(3) DEFINITION.—In this subsection, the term 'work being prepared for commercial distribution' means—

''(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if at the time of unauthorized distribution—

''(i) the copyright owner has a reasonable expectation of commercial distribution; and

''(ii) the copies or phonorecords of the work have not been commercially distributed; or

''(B) a motion picture, if at the time of unauthorized distribution, the motion picture—

''(i) has been made available for viewing in a motion picture exhibition facility; and

''(ii) has not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility.''.

(b) CRIMINAL PENALTIES.—Section 2319 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Whoever'' and inserting ''Any person who''; and

(B) by striking ''and (c) of this section'' and inserting '', (c), and (d)'';

(2) in subsection (b), by striking ''section 506(a)(1)'' and inserting ''section 506(a)(1)(A)'';

(3) in subsection (c), by striking ''section 506(a)(2) of title 17, United States Code'' and inserting ''section 506(a)(1)(B) of title 17'';

(4) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(5) by adding after subsection (c) the following:

''(d) Any person who commits an offense under section 506(a)(1)(C) of title 17—

''(1) shall be imprisoned not more than 3 years, fined under this title, or both;

''(2) shall be imprisoned not more than 5 years, fined under this title, or both, if the offense was committed for purposes of commercial advantage or private financial gain;

''(3) shall be imprisoned not more than 6 years, fined under this title, or both, if the offense is a second or subsequent offense; and

''(4) shall be imprisoned not more than 10 years, fined under this title, or both, if the offense is a second or subsequent offense under paragraph (2).''; and

(6) in subsection (f), as redesignated—

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

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the term 'financial gain' has the meaning given the term in section 101 of title 17; and

''(4) the term 'work being prepared for commercial distribution' has the meaning given the term in section 506(a) of title 17.''.

SEC. 104. CIVIL REMEDIES FOR INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) PREREGISTRATION.—Section 408 of title 17, United States Code, is amended by adding at the end the following:

''(f) PREREGISTRATION OF WORKS BEING PREPARED FOR COMMERCIAL DISTRIBUTION.—

''(1) RULEMAKING.—Not later than 180 days after the date of enactment of this subsection, the Register of Copyrights shall issue regulations to establish procedures for preregistration of a work that is being prepared for commercial distribution and has not been published.

''(2) CLASS OF WORKS.—The regulations established under paragraph (1) shall permit preregistration for any work that is in a class of works that the Register determines has had a history of infringement prior to authorized commercial distribution.

''(3) APPLICATION FOR REGISTRATION.—Not later than 3 months after a the first publication of a work preregistered under this subsection, the applicant shall submit to the Copyright Office—

''(A) an application for registration of the work;

''(B) a deposit; and

''(C) the applicable fee.

''(4) EFFECT OF UNTIMELY APPLICATION.—An action under this chapter for infringement of a preregistered work, in a case in which the infringement commenced no later than 2 months after the first publication of the work shall be dismissed if the items described in paragraph (3) are not submitted to the Copyright Office in proper form within the earlier of—

''(A) 3 months after the first publication of the work; or

''(B) 1 month after the copyright owner has learned of the infringement.''.

(b) INFRINGEMENT ACTIONS.—Section 411(a) of title 17, United States Code, is amended by inserting ''preregistration or'' after ''shall be instituted until''.

(c) EXCLUSION.—Section 412 of title 17, United States Code, is amended by inserting '', an action for infringement of the copyright of a work that has been preregistered under section 408(f) before the commencement of the infringement and that has an effective date of registration not later than the earlier of 3 months after the first publication of the work or 1 month after the copyright owner has learned of the infringement,'' after ''section 106A(a)''.

SEC. 105. FEDERAL SENTENCING GUIDELINES.

(a) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of intellectual property rights crimes, including any offense under—

(1) section 506, 1201, or 1202 of title 17, United States Code; or

(2) section 2318, 2319, 2319A, 2319B, or 2320 of title 18, United States Code.

(b) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(c) RESPONSIBILITIES OF UNITED STATES SENTENCING COMMISSION.—In carrying out this section, the United States Sentencing Commission shall—

(1) take all appropriate measures to ensure that the Federal sentencing guidelines and policy statements described in subsection (a) are sufficiently stringent to deter, and adequately reflect the nature of, intellectual property rights crimes;

(2) determine whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves the display, performance, publication, reproduction, or distribution of a copyrighted work before it has been authorized by the copyright owner, whether in the media format used by the infringing party or in any other media format;

(3) determine whether the scope of ''uploading'' set forth in application note 3 of section 2B5.3 of the Federal sentencing guidelines is adequate to address the loss attributable to people who broadly distribute copyrighted works without authorization over the Internet; and

(4) determine whether the sentencing guidelines and policy statements applicable to the offenses described in subsection (a) adequately reflect any harm to victims from copyright infringement if law enforcement authorities cannot determine how many times copyright material has been reproduced or distributed.

TITLE II—EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Family Movie Act of 2004''.

SEC. 202. EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES.

(a) IN GENERAL.—Section 110 of title 17, United States Code, is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; and'';

(3) by inserting after paragraph (10) the following:

''(11) the making imperceptible, by or at the direction of a member of a private household, of limited portions of audio or video content of a motion picture, during a performance in or transmitted to that household for private home viewing, from an authorized copy of the motion picture, or the creation or provision of a computer program or other technology that enables such making imperceptible and that is designed and marketed for such use at the direction of a member of a private household, if no fixed copy of the altered version of the motion picture is created by such computer program or other technology.''; and

(4) by adding at the end the following:

''For purposes of paragraph (11), the term 'making imperceptible' does not include the addition of audio or video content that is performed or displayed over or in place of existing content in a motion picture.

''Nothing in paragraph (11) shall be construed to imply further rights under section 106 of this title, or to have any effect on defenses or limitations on rights granted under any other section of this title or under any other paragraph of this section.''.

(c) EXEMPTION FROM TRADEMARK INFRINGEMENT.—Section 32 of the Trademark Act of 1946 (15 U.S.C. 1114) is amended by adding at the end the following:

''(3)(A) Any person who engages in the conduct described in paragraph (11) of section 110 of title 17, United States Code, and who complies with the requirements set forth in that paragraph is not liable on account of

such conduct for a violation of any right under this Act. This subparagraph does not preclude liability, nor shall it be construed to restrict the defenses or limitations on rights granted under this Act, of a person for conduct not described in paragraph (11) of section 110 of title 17, United States Code, even if that person also engages in conduct described in paragraph (11) of section 110 of such title.

''(B) A manufacturer, licensee, or licensor of technology that enables the making of limited portions of audio or video content of a motion picture imperceptible as described in subparagraph (A) is not liable on account of such manufacture or license for a violation of any right under this Act, if such manufacturer, licensee, or licensor ensures that the technology provides a clear and conspicuous notice at the beginning of each performance that the performance of the motion picture is altered from the performance intended by the director or copyright holder of the motion picture. The limitations on liability in subparagraph (A) and this subparagraph shall not apply to a manufacturer, licensee, or licensor of technology that fails to comply with this paragraph.

''(C) The requirement under subparagraph (B) to provide notice shall apply only with respect to technology manufactured after the end of the 180-day period beginning on the date of the enactment of the Family Movie Act of 2004.

''(D) Any failure by a manufacturer, licensee, or licensor of technology to qualify for the exemption under subparagraphs (A) and (B) shall not be construed to create an inference of liability for trademark infringement for any such party that engages in conduct described in paragraph (11) of section 110 of title 17, United States Code.''.

(d) DEFINITION.—In this section, the term ''Trademark Act of 1946'' means the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

TITLE III—NATIONAL FILM PRESERVATION

Subtitle A—Reauthorization of the National Film Preservation Board

SEC. 301. SHORT TITLE.

This subtitle may be cited as the ''National Film Preservation Act of 2004''.

SEC. 302. REAUTHORIZATION AND AMENDMENT.

(a) DUTIES OF THE LIBRARIAN OF CONGRESS.—Section 103 of the National Film Preservation Act of 1996 (2 U.S.C. 179m) is amended—

(1) in subsection (b)—

(A) by striking ''film copy'' each place that term appears and inserting ''film or other approved copy'';

(B) by striking ''film copies'' each place that term appears and inserting ''film or other approved copies''; and

(C) in the third sentence, by striking ''copyrighted'' and inserting ''copyrighted, mass distributed, broadcast, or published''; and

(2) by adding at the end the following:

''(c) COORDINATION OF PROGRAM WITH OTHER COLLECTION, PRESERVATION, AND ACCESSIBILITY ACTIVITIES.—In carrying out the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, the Librarian, in consultation with the Board established pursuant to section 104, shall—

''(1) carry out activities to make films included in the National Film registry more broadly accessible for research and educational purposes, and to generate public awareness and support of the Registry and the comprehensive national film preservation program;

''(2) review the comprehensive national film preservation plan, and amend it to the extent necessary to ensure that it addresses technological advances in the preservation and storage of, and access to film collections in multiple formats; and

''(3) wherever possible, undertake expanded initiatives to ensure the preservation of the moving image heritage of the United States, including film, videotape, television, and born digital moving image formats, by supporting the work of the National Audio-Visual Conservation Center of the Library of Congress, and other appropriate nonprofit archival and preservation organizations.''.

(b) NATIONAL FILM PRESERVATION BOARD.—Section 104 of the National Film Preservation Act of 1996 (2 U.S.C. 179n) is amended—

(1) in subsection (a)(1) by striking ''20'' and inserting ''22'';

(2) in subsection (a) (2) by striking ''three'' and inserting ''5'';

(3) in subsection (d) by striking ''11'' and inserting ''12''; and

(4) by striking subsection (e) and inserting the following:

''(e) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.''.

(c) NATIONAL FILM REGISTRY.—Section 106 of the National Film Preservation Act of 1996 (2 U.S.C. 179p) is amended by adding at the end the following:

''(e) NATIONAL AUDIO-VISUAL CONSERVATION CENTER.—The Librarian shall utilize the National Audio-Visual Conservation Center of the Library of Congress at Culpeper, Virginia, to ensure that preserved films included in the National Film Registry are stored in a proper manner, and disseminated to researchers, scholars, and the public as may be appropriate in accordance with—

''(1) title 17, United States Code; and

''(2) the terms of any agreements between the Librarian and persons who hold copyrights to such audiovisual works.''.

(d) USE OF SEAL.—Section 107 (a) of the National Film Preservation Act of 1996 (2 U.S.C. 179q(a)) is amended—

(1) in paragraph (1), by inserting ''in any format'' after ''or any copy''; and

(2) in paragraph (2), by striking ''or film copy'' and inserting ''in any format''.

(e) EFFECTIVE DATE.—Section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w) is amended by striking ''7'' and inserting ''12''.

Subtitle B—Reauthorization of the National Film Preservation Foundation

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''National Film Preservation Foundation Reauthorization Act of 2004''.

SEC. 312. REAUTHORIZATION AND AMENDMENT.

(a) BOARD OF DIRECTORS.—Section 151703 of title 36, United States Code, is amended—

(1) in subsection (b)(2)(A), by striking ''nine'' and inserting ''12''; and

(2) in subsection (b)(4), by striking the second sentence and inserting ''There shall be no limit to the number of terms to which any individual may be appointed.''.

(b) POWERS.—Section 151705 of title 36, United States Code, is amended in subsection (b) by striking ''District of Columbia'' and inserting ''the jurisdiction in which the principal office of the corporation is located''.

(c) PRINCIPAL OFFICE.—Section 151706 of title 36, United States Code, is amended by inserting '', or another place as determined by the board of directors'' after ''District of Columbia''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 151711 of title 36, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed $530,000 for each of the fiscal years 2004 through 2008. These amounts are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

''(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.''.

TITLE IV—PRESERVATION OF ORPHAN WORKS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Preservation of Orphan Works Act''.

SEC. 402. REPRODUCTION OF COPYRIGHTED WORKS BY LIBRARIES AND ARCHIVES.

Section 108(i) of title 17, United States Code, is amended by striking ''(b) and (c)'' and inserting ''(b), (c), and (h)''.

TITLE V—ANTICOUNTERFEITING PROVISIONS AND FRAUDULENT ONLINE IDENTITY SANCTIONS

Subtitle A—Anticounterfeiting Provisions

SEC. 501. SHORT TITLE.

This subtitle may be cited as the ''Anticounterfeiting Act of 2004''.

SEC. 502. PROHIBITION AGAINST TRAFFICKING IN COUNTERFEIT COMPONENTS.

(a) IN GENERAL.—Section 2318 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging'';

(2) by striking subsection (a) and inserting the following:

''(a) Whoever, in any of the circumstances described in subsection (c), knowingly traffics in—

''(1) a counterfeit label or illicit label affixed to, enclosing, or accompanying, or designed to be affixed to, enclose, or accompany—

''(A) a phonorecord;

''(B) a copy of a computer program;

''(C) a copy of a motion picture or other audiovisual work;

''(D) a copy of a literary work;

''(E) a copy of a pictorial, graphic, or sculptural work;

''(F) a work of visual art; or

''(G) documentation or packaging; or

''(2) counterfeit documentation or packaging,

shall be fined under this title or imprisoned for not more than 5 years, or both.'';

(3) in subsection (b)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3)—

(i) by striking ''and 'audiovisual work' have'' and inserting the following: ''''audiovisual work', 'literary work', 'pictorial, graphic, or sculptural work', 'sound recording', 'work of visual art', and 'copyright owner' have''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) the term 'illicit label' means a genuine certificate, licensing document, registration card, or similar labeling component—

''(A) that is used by the copyright owner to verify that a phonorecord, a copy of a computer program, a copy of a motion picture or other audiovisual work, a copy of a literary work, a copy of a pictorial, graphic, or sculptural work, a work of visual art, or documentation or packaging is not counterfeit or infringing of any copyright; and

''(B) that is, without the authorization of the copyright owner—

''(i) distributed or intended for distribution not in connection with the copy, phonorecord, or work of visual art to which such labeling component was intended to be affixed by the respective copyright owner; or

''(ii) in connection with a genuine certificate or licensing document, knowingly falsified in order to designate a higher number of licensed users or copies than authorized by the copyright owner, unless that certificate or document is used by the copyright owner solely for the purpose of monitoring or tracking the copyright owner's distribution channel and not for the purpose of verifying that a copy or phonorecord is noninfringing;

''(5) the term 'documentation or packaging' means documentation or packaging, in physical form, for a phonorecord, copy of a computer program, copy of a motion picture or other audiovisual work, copy of a literary work, copy of a pictorial, graphic, or sculptural work, or work of visual art; and

''(6) the term 'counterfeit documentation or packaging' means documentation or packaging that appears to be genuine, but is not.'';

(4) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

''(3) the counterfeit label or illicit label is affixed to, encloses, or accompanies, or is designed to be affixed to, enclose, or accompany—

''(A) a phonorecord of a copyrighted sound recording or copyrighted musical work;

''(B) a copy of a copyrighted computer program;

''(C) a copy of a copyrighted motion picture or other audiovisual work;

''(D) a copy of a literary work;

''(E) a copy of a pictorial, graphic, or sculptural work;

''(F) a work of visual art; or

''(G) copyrighted documentation or packaging; or''; and

(B) in paragraph (4), by striking ''for a computer program''; and

(5) in subsection (d)—

(A) by inserting ''or illicit labels'' after ''counterfeit labels'' each place it appears; and

(B) by inserting before the period at the end the following: '', and of any equipment, device, or material used to manufacture, reproduce, or assemble the counterfeit labels or illicit labels''.

(b) CIVIL REMEDIES.—Section 2318 of title 18, United States Code, is further amended by adding at the end the following:

''(f) CIVIL REMEDIES.—

''(1) IN GENERAL.—Any copyright owner who is injured, or is threatened with injury, by a violation of subsection (a) may bring a civil action in an appropriate United States district court.

''(2) DISCRETION OF COURT.—In any action brought under paragraph (1), the court—

''(A) may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain a violation of subsection (a);

''(B) at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation of subsection (a); and

''(C) may award to the injured party—

''(i) reasonable attorney fees and costs; and

''(ii)(I) actual damages and any additional profits of the violator, as provided in paragraph (3); or

''(II) statutory damages, as provided in paragraph (4).

''(3) ACTUAL DAMAGES AND PROFITS.—

''(A) IN GENERAL.—The injured party is entitled to recover—

''(i) the actual damages suffered by the injured party as a result of a violation of subsection (a), as provided in subparagraph (B) of this paragraph; and

''(ii) any profits of the violator that are attributable to a violation of subsection (a) and are not taken into account in computing the actual damages.

''(B) CALCULATION OF DAMAGES.—The court shall calculate actual damages by multiplying—

''(i) the value of the phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit labels, or counterfeit documentation or packaging, by

''(ii) the number of phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit labels, or counterfeit documentation or packaging.

''(C) DEFINITION.—For purposes of this paragraph, the 'value' of a phonorecord, copy, or work of visual art is—

''(i) in the case of a copyrighted sound recording or copyrighted musical work, the retail value of an authorized phonorecord of that sound recording or musical work;

''(ii) in the case of a copyrighted computer program, the retail value of an authorized copy of that computer program;

''(iii) in the case of a copyrighted motion picture or other audiovisual work, the retail value of an authorized copy of that motion picture or audiovisual work;

''(iv) in the case of a copyrighted literary work, the retail value of an authorized copy of that literary work;

''(v) in the case of a pictorial, graphic, or sculptural work, the retail value of an authorized copy of that work; and

''(vi) in the case of a work of visual art, the retail value of that work.

''(4) STATUTORY DAMAGES.—The injured party may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for each violation of subsection (a) in a sum of not less than $2,500 or more than $25,000, as the court considers appropriate.

''(5) SUBSEQUENT VIOLATION.—The court may increase an award of damages under this subsection by 3 times the amount that would otherwise be awarded, as the court considers appropriate, if the court finds that a person has subsequently violated subsection (a) within 3 years after a final judgment was entered against that person for a violation of that subsection.

''(6) LIMITATION ON ACTIONS.—A civil action may not be commenced under this subsection unless it is commenced within 3 years after the date on which the claimant discovers the violation of subsection (a).''.

(c) CONFORMING AMENDMENT.—The item relating to section 2318 in the table of sections for chapter 113 of title 18, United States Code, is amended to read as follows:

''2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging.''.

SEC. 503. OTHER RIGHTS NOT AFFECTED.

(a) CHAPTERS 5 AND 12 OF TITLE 17; ELECTRONIC TRANSMISSIONS.—The amendments made by this subtitle—

(1) shall not enlarge, diminish, or otherwise affect any liability or limitations on liability under sections 512, 1201, or 1202 of title 17, United States Code; and

(2) shall not be construed to apply—

(A) in any case, to the electronic transmission of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging described in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this subtitle; and

(B) in the case of a civil action under section 2318(f) of title 18, United States Code, to the electronic transmission of a counterfeit label or counterfeit documentation or packaging defined in paragraph (1) or (6) of section 2318(b) of title 18, United States Code.

(b) FAIR USE.—The amendments made by this subtitle shall not affect the fair use, under section 107 of title 17, United States Code, of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging described in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this subtitle.

Subtitle B—Fraudulent Online Identity Sanctions

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Fraudulent Online Identity Sanctions Act''.

SEC. 512. AMENDMENT TO TRADEMARK ACT OF 1946.

Section 35 of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

''(e) In the case of a violation referred to in this section, it shall be a rebuttable presumption that the violation is willful for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation. Nothing in this subsection limits what may be considered a willful violation under this section.''.

SEC. 513. AMENDMENT TO TITLE 17, UNITED STATES CODE.

Section 504(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

''(3) (A) In a case of infringement, it shall be a rebuttable presumption that the infringement was committed willfully for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the infringement.

''(B) Nothing in this paragraph limits what may be considered willful infringement under this subsection.

''(C) For purposes of this paragraph, the term 'domain name' has the meaning given that term in section 45 of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'

approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1127).''.

SEC. 514. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) SENTENCING ENHANCEMENT.—Section 3559 of title 18, United States Code, is amended by adding at the end the following:

''(f)(1) If a defendant who is convicted of a felony offense (other than offense of which an element is the false registration of a domain name) knowingly falsely registered a domain name and knowingly used that domain name in the course of that offense, the maximum imprisonment otherwise provided by law for that offense shall be doubled or increased by 7 years, whichever is less.

''(2) As used in this subsection—

''(A) the term 'falsely registers' means registers in a manner that prevents the effective identification of or contact with the person who registers; and

''(B) the term 'domain name' has the meaning given that term in section 45 of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes' approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946') (15 U.S.C. 1127).''.

(b) UNITED STATES SENTENCING COMMISSION.—

(1) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend the sentencing guidelines and policy statements to ensure that the applicable guideline range for a defendant convicted of any felony offense carried out online that may be facilitated through the use of a domain name registered with materially false contact information is sufficiently stringent to deter commission of such acts.

(2) REQUIREMENTS.—In carrying out this subsection, the Sentencing Commission shall provide sentencing enhancements for anyone convicted of any felony offense furthered through knowingly providing or knowingly causing to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation.

(3) DEFINITION.—For purposes of this subsection, the term ''domain name'' has the meaning given that term in section 45 of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1127).

SEC. 515. CONSTRUCTION.

(a) FREE SPEECH AND PRESS.—Nothing in this subtitle shall enlarge or diminish any rights of free speech or of the press for activities related to the registration or use of domain names.

(b) DISCRETION OF COURTS IN DETERMINING RELIEF.—Nothing in this subtitle shall restrict the discretion of a court in determining damages or other relief to be assessed against a person found liable for the infringement of intellectual property rights.

(c) DISCRETION OF COURTS IN DETERMINING TERMS OF IMPRISONMENT.—Nothing in this subtitle shall be construed to limit the discretion of a court to determine the appropriate term of imprisonment for an offense under applicable law.

TITLE VI—COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Cooperative Research and Technology Enhancement (CREATE) Act of 2004''.

SEC. 602. COLLABORATIVE EFFORTS ON CLAIMED INVENTIONS.

Section 103(c) of title 35, United States Code, is amended to read as follows:

''(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

''(2) For purposes of this subsection, subject matter developed by another person and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person if—

''(A) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made;

''(B) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(C) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(3) For purposes of paragraph (2), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by two or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.''.

SEC. 603. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall apply to any patent granted on or after the date of the enactment of this Act.

(b) SPECIAL RULE.—The amendments made by this title shall not affect any final decision of a court or the United States Patent and Trademark Office rendered before the date of the enactment of this Act, and shall not affect the right of any party in any action pending before the United States Patent and Trademark Office or a court on the date of the enactment of this Act to have that party's rights determined on the basis of the provisions of title 35, United States Code, in effect on the day before the date of the enactment of this Act.

TITLE VII—PROFESSIONAL BOXING SAFETY

SEC. 701. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Professional Boxing Amendments Act of 2004''.

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

Sec. 701. Short title; table of contents.
Sec. 702. Amendment of Professional Boxing Safety Act of 1996.
Sec. 703. Definitions.
Sec. 704. Purposes.
Sec. 705. United States Boxing Commission approval, or ABC or commission sanction, required for matches.
Sec. 706. Safety standards.
Sec. 707. Registration.
Sec. 708. Review.
Sec. 709. Reporting.
Sec. 710. Contract requirements.
Sec. 711. Coercive contracts.
Sec. 712. Sanctioning organizations.
Sec. 713. Required disclosures by sanctioning organizations.
Sec. 714. Required disclosures by promoters and broadcasters.
Sec. 715. Judges and referees.
Sec. 716. Medical registry.
Sec. 717. Conflicts of interest.
Sec. 718. Enforcement.
Sec. 719. Repeal of deadwood.
Sec. 720. Recognition of tribal law.
Sec. 721. Establishment of United States Boxing Commission.
Sec. 722. Study and report on definition of promoter.
Sec. 723. Effective date.

SEC. 702. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

Except as otherwise expressly provided, whenever in this title 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 the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

SEC. 703. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) COMMISSION.—The term 'Commission' means the United States Boxing Commission.

''(2) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer that requires the boxer to participate in a professional boxing match for a particular date.

''(3) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

''(4) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

''(5) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Commission for the purposes of maintaining records and identification of boxers.

''(6) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

''(7) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

''(8) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

''(9) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, corner man, second, or cut man for a boxer.

''(10) MANAGER.—The term 'manager' means a person other than a promoter who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

''(11) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match.

''(12) PHYSICIAN.—The term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action and who has training and experience in dealing with sports injuries, particularly head trauma.

''(13) PROFESSIONAL BOXING MATCH.—The term 'professional boxing match' means a

boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Commission.

''(14) PROMOTER.—The term 'promoter'—

''(A) means the person primarily responsible for organizing, promoting, and producing a professional boxing match; but

''(B) does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

''(i) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

''(ii) there is no other person primarily responsible for organizing, promoting, and producing the match.

''(15) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract, for the acquisition of rights relating to a boxer's participation in a professional boxing match or series of boxing matches (including the right to sell, distribute, exhibit, or license the match or matches), with—

''(A) the boxer who is to participate in the match or matches; or

''(B) the nominee of a boxer who is to participate in the match or matches, or the nominee is an entity that is owned, controlled or held in trust for the boxer unless that nominee or entity is a licensed promoter who is conveying a portion of the rights previously acquired.

''(16) STATE.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

''(17) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

''(A) between boxers who are residents of different States; or

''(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

''(18) SUSPENSION.—The term 'suspension' includes within its meaning the temporary revocation of a boxing license.

''(19) TRIBAL ORGANIZATION.—The term 'tribal organization' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).''.

(b) CONFORMING AMENDMENT.—Section 21 (15 U.S.C. 6312) is amended to read as follows:

"SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

''(b) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

''(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

''(2) the guidelines established by the United States Boxing Commission.

''(c) APPLICATION OF ACT TO BOXING MATCHES ON TRIBAL LANDS.—The provisions of this Act apply to professional boxing matches held on tribal lands to the same extent and in the same way as they apply to professional boxing matches held in any State.''.

SEC. 704. PURPOSES.

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking ''State''.

SEC. 705. UNITED STATES BOXING COMMISSION APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.

(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

"SEC. 4. APPROVAL OR SANCTION REQUIREMENT.

''(a) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

''(1) is approved by the Commission; and

''(2) is held in a State, or on tribal land of a tribal organization, that regulates professional boxing matches in accordance with standards and criteria established by the Commission.

''(b) APPROVAL PRESUMED.—

''(1) IN GENERAL.—For purposes of subsection (a), the Commission shall be presumed to have approved any match other than—

''(A) a match with respect to which the Commission has been informed of an alleged violation of this Act and with respect to which it has notified the supervising boxing commission that it does not approve;

''(B) a match advertised to the public as a championship match;

''(C) a match scheduled for 10 rounds or more; or

''(D) a match in which 1 of the boxers has—

''(i) suffered 10 consecutive defeats in professional boxing matches; or

''(ii) has been knocked out 5 consecutive times in professional boxing matches.

''(2) DELEGATION OF APPROVAL AUTHORITY.—Notwithstanding paragraph (1), the Commission shall be presumed to have approved a match described in subparagraph (B), (C), or (D) of paragraph (1) if—

''(A) the Commission has delegated in writing its approval authority with respect to that match to a boxing commission; and

''(B) the boxing commission has approved the match.

''(3) KNOCKED-OUT DEFINED.—Except as may be otherwise provided by the Commission by rule, in paragraph (1)(D)(ii), the term 'knocked out' means knocked down and unable to continue after a count of 10 by the referee or stopped from continuing because of a technical knockout.''.

(b) CONFORMING AMENDMENT.—Section 19 (15 U.S.C. 6310) is repealed.

SEC. 706. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking ''requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:'' and inserting ''requirements:'';

(2) by adding at the end of paragraph (1) ''The examination shall include testing for infectious diseases in accordance with standards established by the Commission.'';

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

''(2) An ambulance continuously present on site.'';

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

''(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.''; and

(5) by striking ''match.'' in paragraph (5), as redesignated, and inserting ''match in an amount prescribed by the Commission.''.

SEC. 707. REGISTRATION.

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting ''or Indian tribe'' after ''State'' the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting ''A boxing commission shall, in accordance with requirements established by the Commission, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.'';

(3) by striking ''should'' in the second sentence of subsection (c) and inserting ''shall, at a minimum,''; and

(4) by adding at the end the following:

''(d) COPY OF REGISTRATION AND IDENTIFICATION CARDS TO BE SENT TO COMMISSION.—A boxing commission shall furnish a copy of each registration received under subsection (a), and each identification card issued under subsection (b), to the Commission.''.

SEC. 708. REVIEW.

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking ''that, except as provided in subsection (b), no'' in subsection (a)(2) and inserting ''that no'';

(2) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

''(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.'';

(3) by striking subsection (b); and

(4) by striking ''(a) PROCEDURES.—''.

SEC. 709. REPORTING.

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking ''48 business hours'' and inserting ''2 business days'';

(2) by striking ''bxoing'' and inserting ''boxing''; and

(3) by striking ''each boxer registry.'' and inserting ''the Commission.''.

SEC. 710. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

"SEC. 9. CONTRACT REQUIREMENTS.

''(a) IN GENERAL.—The Commission, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

''(b) FILING AND APPROVAL REQUIREMENTS.—

''(1) COMMISSION.—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Commission, and, if requested, to the boxing commission with jurisdiction over the bout.

''(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

''(c) BOND OR OTHER SURETY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.''.

SEC. 711. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting ''OR ELIMINATION'' after ''MANDATORY'' in the heading of subsection (b); and

(3) by inserting ''or elimination'' after ''mandatory'' in subsection (b).

SEC. 712. SANCTIONING ORGANIZATIONS.

(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) is amended to read as follows:

''SEC. 11. SANCTIONING ORGANIZATIONS.

''(a) OBJECTIVE CRITERIA.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2004, the Commission shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits and professional record of the boxers. Within 90 days after the Commission's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

''(b) NOTIFICATION OF CHANGE IN RATING.—A sanctioning organization shall, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers—

''(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

''(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Commission;

''(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization; and

''(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

''(c) CHALLENGE OF RATING.—If, after disposing with an appeal under subsection (b)(3), a sanctioning organization receives a petition from a boxer challenging that organization's rating of the boxer, it shall (except to the extent otherwise required by the Commission), within 7 days after receiving the petition—

''(1) provide to the boxer a written explanation under penalty of perjury of the organization's rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

''(2) submit a copy of its explanation to the Association of Boxing Commissions and the Commission for their review.''.

(b) CONFORMING AMENDMENTS.—Section 18(e) (15 U.S.C. 6309(e)) is amended—

(1) by striking ''FEDERAL TRADE COMMISSION,'' in the subsection heading and inserting ''UNITED STATES BOXING COMMISSION''; and

(2) by striking ''Federal Trade Commission,'' in paragraph (1) and inserting ''United States Boxing Commission,''.

SEC. 713. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization, if any, for that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match, a written statement of—'';

(2) by striking ''will assess'' in paragraph (1) and inserting ''has assessed, or will assess,''; and

(3) by striking ''will receive'' in paragraph (2) and inserting ''has received, or will receive,''.

SEC. 714. REQUIRED DISCLOSURES BY PROMOTERS AND BROADCASTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking ''**PROMOTERS.**'' in the section caption and inserting ''**PROMOTERS AND BROADCASTERS.**'';

(2) by striking so much of subsection (a) as precedes paragraph (1) and inserting the following:

''(a) DISCLOSURES TO BOXING COMMISSIONS AND THE COMMISSION.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match—'';

(3) by striking ''writing,'' in subsection (a)(1) and inserting ''writing, other than a bout agreement previously provided to the commission,'';

(4) by striking ''all fees, charges, and expenses that will be'' in subsection (a)(3)(A) and inserting ''a written statement of all fees, charges, and expenses that have been, or will be,'';

(5) by inserting ''a written statement of'' before ''all'' in subsection (a)(3)(B);

(6) by inserting ''a statement of'' before ''any'' in subsection (a)(3)(C);

(7) by striking the matter in subsection (b) following ''BOXER.—'' and preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 10 rounds or more, the promoter of the match shall provide to each boxer participating in the bout or match with whom the promoter has a bout or promotional agreement a statement of—'';

(8) by striking ''match;'' in subsection (b)(1) and inserting ''match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;''; and

(9) by adding at the end the following:

''(d) REQUIRED DISCLOSURES BY BROADCASTERS.—

''(1) IN GENERAL.—A broadcaster that owns the television broadcast rights for a professional boxing match of 10 rounds or more shall, within 7 days after that match, provide to the Commission—

''(A) a statement of any advance, guarantee, or license fee paid or owed by the broadcaster to a promoter in connection with that match;

''(B) a copy of any contract executed by or on behalf of the broadcaster with—

''(i) a boxer who participated in that match; or

''(ii) the boxer's manager, promoter, promotional company, or other representative or the owner or representative of the site of the match; and

''(C) a list identifying sources of income received from the broadcast of the match.

''(2) COPY TO BOXING COMMISSION.—Upon request from the boxing commission in the State or Indian land responsible for regulating a match to which paragraph (1) applies, a broadcaster shall provide the information described in paragraph (1) to that boxing commission.

''(3) CONFIDENTIALITY.—The information provided to the Commission or to a boxing commission pursuant to this subsection shall be confidential and not revealed by the Commission or a boxing commission, except that the Commission may publish an analysis of the data in aggregate form or in a manner which does not disclose confidential information about identifiable broadcasters.

''(4) TELEVISION BROADCAST RIGHTS.—In paragraph (1), the term 'television broadcast rights' means the right to broadcast the match, or any part thereof, via a broadcast station, cable service, or multichannel video programming distributor as such terms are defined in section 3(5), 602(6), and 602(13) of the Communications Act of 1934 (47 U.S.C. 153(5), 602(6), and 602(13), respectively).''.

SEC. 715. JUDGES AND REFEREES.

(a) IN GENERAL.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting ''(a) LICENSING AND ASSIGNMENT REQUIREMENT.—'' before ''No person'';

(2) by striking ''certified and approved'' and inserting ''selected'';

(3) by inserting ''or Indian lands'' after ''State''; and

(4) by adding at the end the following:

''(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Commission.

''(c) ROLE OF SANCTIONING ORGANIZATION.—A sanctioning organization may provide a list of judges and referees deemed qualified by that organization to a boxing commission, but the boxing commission shall select, license, and appoint the judges and referees participating in the match.

''(d) ASSIGNMENT OF NONRESIDENT JUDGES AND REFEREES.—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land.

''(e) REQUIRED DISCLOSURE.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Commission.''.

(b) CONFORMING AMENDMENT.—Section 14 (15 U.S.C. 6307f) is repealed.

SEC. 716. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

''SEC. 14. MEDICAL REGISTRY.

''(a) IN GENERAL.—The Commission shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

''(b) CONTENT; SUBMISSION.—The Commission shall determine—

''(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

''(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

''(c) CONFIDENTIALITY.—The Commission shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

''(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

''(2) ensure that the privacy of the boxers is protected.''.

SEC. 717. CONFLICTS OF INTEREST.

Section 17 (15 U.S.C. 6308) is amended—

(1) by striking ''enforces State boxing laws,'' in subsection (a) and inserting ''implements State or tribal boxing laws, no officer or employee of the Commission,'';

(2) by striking ''belong to,'' and inserting ''hold office in,'' in subsection (a);

(3) by striking the last sentence of subsection (a);

(4) by striking subsection (b) and inserting the following:

''(b) BOXERS.—A boxer may not own or control, directly or indirectly, an entity that promotes the boxer's bouts if that entity is responsible for—

''(1) executing a bout agreement or promotional agreement with the boxer's opponent; or

''(2) providing any payment or other compensation to—

''(A) the boxer's opponent for participation in a bout with the boxer;

''(B) the boxing commission that will regulate the bout; or

''(C) ring officials who officiate at the bout.''.

SEC. 718. ENFORCEMENT.

Section 18 (15 U.S.C. 6309) is amended—

(1) by striking ''(a) INJUNCTIONS.—'' in subsection (a) and inserting ''(a) ACTIONS BY ATTORNEY GENERAL.—'';

(2) by striking ''enforces State boxing laws,'' in subsection (b)(3) and inserting ''implements State or tribal boxing laws, any officer or employee of the Commission,'';

(3) by inserting ''has engaged in or'' after ''organization'' in subsection (c);

(4) by striking ''subsection (b)'' in subsection (c)(3) and inserting ''subsection (b), a civil penalty, or''; and

(5) by striking ''boxer'' in subsection (d) and inserting ''person''.

SEC. 719. REPEAL OF DEADWOOD.

Section 20 (15 U.S.C. 6311) is repealed.

SEC. 720. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert ''**or tribal**'' in the section heading after ''**state**''; and

(2) by inserting ''or indian tribe'' after ''State''.

SEC. 721. ESTABLISHMENT OF UNITED STATES BOXING COMMISSION.

(a) IN GENERAL.—The Act is amended by adding at the end the following:

''TITLE II—UNITED STATES BOXING COMMISSION

''SEC. 201. PURPOSE.

''The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

''SEC. 202. UNITED STATES BOXING COMMISSION.

''(a) IN GENERAL.—The United States Boxing Commission is established as a commission within the Department of Commerce.

''(b) MEMBERS.—

''(1) IN GENERAL.—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—

''(A) IN GENERAL.—Each member of the Commission shall be a citizen of the United States who—

''(i) has extensive experience in professional boxing activities or in a field directly related to professional sports;

''(ii) is of outstanding character and recognized integrity; and

''(iii) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation.

''(B) SPECIFIC QUALIFICATIONS FOR CERTAIN MEMBERS.—At least 1 member of the Commission shall be a former member of a local boxing authority. If practicable, at least 1 member of the Commission shall be a physician or other health care professional duly licensed as such.

''(C) DISINTERESTED PERSONS.—No member of the Commission may, while serving as a member of the Commission—

''(i) be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing;

''(ii) have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match; or

''(iii) serve as a member of a boxing commission.

''(3) BIPARTISAN MEMBERSHIP.—Not more than 2 members of the Commission may be members of the same political party.

''(4) GEOGRAPHIC BALANCE.—Not more than 2 members of the Commission may be residents of the same geographic region of the United States when appointed to the Commission. For purposes of the preceding sentence, the area of the United States east of the Mississippi River is a geographic region, and the area of the United States west of the Mississippi River is a geographic region.

''(5) TERMS.—

''(A) IN GENERAL.—The term of a member of the Commission shall be 3 years.

''(B) REAPPOINTMENT.—Members of the Commission may be reappointed to the Commission.

''(C) MIDTERM VACANCIES.—A member of the Commission appointed to fill a vacancy in the Commission occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that unexpired term.

''(D) CONTINUATION PENDING REPLACEMENT.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

''(6) REMOVAL.—A member of the Commission may be removed by the President only for cause.

''(c) EXECUTIVE DIRECTOR.—

''(1) IN GENERAL.—The Commission shall employ an Executive Director to perform the administrative functions of the Commission under this Act, and such other functions and duties of the Commission as the Commission shall specify.

''(2) DISCHARGE OF FUNCTIONS.—Subject to the authority, direction, and control of the Commission the Executive Director shall carry out the functions and duties of the Commission under this Act.

''(d) GENERAL COUNSEL.—The Commission shall employ a General Counsel to provide legal counsel and advice to the Executive Director and the Commission in the performance of its functions under this Act, and to carry out such other functions and duties as the Commission shall specify.

''(e) STAFF.—The Commission shall employ such additional staff as the Commission considers appropriate to assist the Executive Director and the General Counsel in carrying out the functions and duties of the Commission under this Act.

''(f) COMPENSATION.—

''(1) MEMBERS OF COMMISSION.—

''(A) IN GENERAL.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

''(B) TRAVEL EXPENSES.—The members 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.

''(2) EXECUTIVE DIRECTOR AND STAFF.—The Commission shall fix the compensation of the Executive Director, the General Counsel, and other personnel of the Commission. The rate of pay for the Executive Director, the General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''SEC. 203. FUNCTIONS.

''(a) PRIMARY FUNCTIONS.—The primary functions of the Commission are—

''(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

''(2) to ensure uniformity, fairness, and integrity in professional boxing.

''(b) SPECIFIC FUNCTIONS.—The Commission shall—

''(1) administer title I of this Act;

''(2) promulgate uniform standards for professional boxing in consultation with the Association of Boxing Commissions;

''(3) except as otherwise determined by the Commission, oversee all professional boxing matches in the United States;

''(4) work with the boxing commissions of the several States and tribal organizations—

''(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

''(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

''(C) to improve the status and standards of professional boxing in the United States;

''(5) ensure, in cooperation with the Attorney General (who shall represent the Commission in any judicial proceeding under this Act), the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

''(6) review boxing commission regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Commission under this title;

''(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

''(8) if the Commission determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Commission;

''(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Commission determines to be reasonable; and

''(10) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with, the provisions of this title.

''(c) PROHIBITIONS.—The Commission may not—

''(1) promote boxing events or rank professional boxers; or

''(2) provide technical assistance to, or authorize the use of the name of the Commission by, boxing commissions that do not comply with requirements of the Commission.

''(d) USE OF NAME.—The Commission shall have the exclusive right to use the name 'United States Boxing Commission'. Any person who, without the permission of the Commission, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Commission for the purpose of inducing the sale or exchange of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Commission for the remedies provided in the Act of July 5, 1946 (commonly known as the 'Trademark Act of 1946'; 15 U.S.C. 1051 et seq.).

''SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

''(a) LICENSING.—

''(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match

or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

''(2) APPLICATION AND TERM.—

''(A) IN GENERAL.—The Commission shall—

''(i) establish application procedures, forms, and fees;

''(ii) establish and publish appropriate standards for licenses granted under this section; and

''(iii) issue a license to any person who, as determined by the Commission, meets the standards established by the Commission under this title.

''(B) DURATION.—A license issued under this section shall be for a renewable—

''(i) 4-year term for a boxer; and

''(ii) 2-year term for any other person.

''(C) PROCEDURE.—The Commission may issue a license under this paragraph through boxing commissions or in a manner determined by the Commission.

''(b) LICENSING FEES.—

''(1) AUTHORITY.—The Commission may prescribe and charge reasonable fees for the licensing of persons under this title. The Commission may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Commission.

''(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Commission shall ensure that, to the maximum extent practicable—

''(A) club boxing is not adversely effected;

''(B) sanctioning organizations and promoters pay comparatively the largest portion of the fees; and

''(C) boxers pay as small a portion of the fees as is possible.

''(3) COLLECTION.—Fees established under this subsection may be collected through boxing commissions or by any other means determined appropriate by the Commission.

''SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

''(a) REQUIREMENT FOR REGISTRY.—The Commission shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

''(b) CONTENTS.—The information in the registry shall include the following:

''(1) BOXERS.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Commission shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

''(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Commission as performing a professional activity for professional boxing matches.

''SEC. 206. CONSULTATION REQUIREMENTS.

''The Commission shall consult with the Association of Boxing Commissions—

''(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

''(2) not less than once each year regarding matters relating to professional boxing.

''SEC. 207. MISCONDUCT.

''(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

''(1) AUTHORITY.—The Commission may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Commission finds that—

''(A) the license holder has violated any provision of this Act;

''(B) there are reasonable grounds for belief that a standard prescribed by the Commission under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

''(C) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest.

''(2) PERIOD OF SUSPENSION.—

''(A) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Commission except as provided in subparagraph (B).

''(B) SUSPENSION FOR MEDICAL REASONS.—In the case of a suspension or denial of the license of a boxer for medical reasons by the Commission, the Commission may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Commission shall prescribe the standards and procedures for accepting certifications under this subparagraph.

''(3) PERIOD OF REVOCATION.—In the case of a revocation of the license of a boxer, the revocation shall be for a period of not less than 1 year.

''(b) INVESTIGATIONS AND INJUNCTIONS.—

''(1) AUTHORITY.—The Commission may—

''(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this Act or any regulation prescribed under this Act;

''(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated;

''(C) in its discretion, publish information concerning any violations; and

''(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this Act, in the prescribing of regulations under this Act, or in securing information to serve as a basis for recommending legislation concerning the matters to which this Act relates.

''(2) POWERS.—

''(A) IN GENERAL.—For the purpose of any investigation under paragraph (1) or any other proceeding under this title—

''(i) any officer designated by the Commission may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records the Commission considers relevant or material to the inquiry; and

''(ii) the provisions of sections 6002 and 6004 of title 18, United States Code, shall apply.

''(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

''(3) ENFORCEMENT OF SUBPOENAS.—

''(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Commission to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

''(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that court.

''(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

''(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

''(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Commission, in obedience to the subpoena of the Commission, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

''(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

''(5) INJUNCTIVE RELIEF.—If the Commission determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Commission may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

''(6) MANDAMUS.—Upon application of the Commission, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Commission.

''(c) INTERVENTION IN CIVIL ACTIONS.—

''(1) IN GENERAL.—The Commission, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a district court of the United States.

''(2) AMICUS FILING.—The Commission may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

''(d) HEARINGS BY COMMISSION.—Hearings conducted by the Commission under this Act shall be public and may be held before any officer of the Commission. The Commission shall keep appropriate records of the hearings.

''SEC. 208. NONINTERFERENCE WITH BOXING COMMISSIONS.

''(a) NONINTERFERENCE.—Nothing in this Act prohibits any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this Act.

''(b) MINIMUM STANDARDS.—Nothing in this Act prohibits any boxing commission from enforcing local standards or requirements

that exceed the minimum standards or requirements promulgated by the Commission under this Act.

"SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

''Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Commission, upon the request of the Commission, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

"SEC. 210. REPORTS.

''(a) ANNUAL REPORT.—The Commission shall submit a report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include—

''(1) a detailed discussion of the activities of the Commission for the year covered by the report; and

''(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions.

''(b) PUBLIC REPORT.—The Commission shall annually issue and publicize a report of the Commission on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Commission.

''(c) FIRST ANNUAL REPORT ON THE COMMISSION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

"SEC. 211. INITIAL IMPLEMENTATION.

''(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

''(b) EXPIRATION.—The exemption under subsection (a) with respect to a license issued by a boxing commission expires on the earlier of—

''(A) the date on which the license expires; or

''(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2004.

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated for the Commission for each fiscal year such sums as may be necessary for the Commission to perform its functions for that fiscal year.

''(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

''(3) shall remain available until expended.''.

(b) CONFORMING AMENDMENTS.—

(1) PBSA.—The Professional Boxing Safety Act of 1996, as amended by this Act, is further amended—

(A) by striking section 1 and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Professional Boxing Safety Act'.

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

''Section 1. Short title; table of contents.
''Sec. 2. Definitions.

''TITLE I—PROFESSIONAL BOXING SAFETY

''Sec. 101. Purposes.
''Sec. 102. Approval or sanction requirement.
''Sec. 103. Safety standards.
''Sec. 104. Registration.
''Sec. 105. Review.
''Sec. 106. Reporting.
''Sec. 107. Contract requirements.
''Sec. 108. Protection from coercive contracts.
''Sec. 109. Sanctioning organizations.
''Sec. 110. Required disclosures to State boxing commissions by sanctioning organizations.
''Sec. 111. Required disclosures by promoters and broadcasters.
''Sec. 112. Medical registry.
''Sec. 113. Confidentiality.
''Sec. 114. Judges and referees.
''Sec. 115. Conflicts of interest.
''Sec. 116. Enforcement.
''Sec. 117. Professional boxing matches conducted on Indian lands.
''Sec. 118. Relationship with State or Tribal law.

''TITLE II—UNITED STATES BOXING COMMISSION

''Sec. 201. Purpose.
''Sec. 202. United States Boxing Commission.
''Sec. 203. Functions.
''Sec. 204. Licensing and registration of boxing personnel.
''Sec. 205. National registry of boxing personnel.
''Sec. 206. Consultation requirements.
''Sec. 207. Misconduct.
''Sec. 208. Noninterference with boxing commissions
''Sec. 209. Assistance from other agencies.
''Sec. 210. Reports.
''Sec. 211. Initial implementation.
''Sec. 212. Authorization of appropriations.'';

(B) by inserting before section 3 the following:

"TITLE I—PROFESSIONAL BOXING SAFETY";

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking subsection (a) of section 113, as redesignated, and inserting the following:

''(a) IN GENERAL.—Except to the extent required in a legal, administrative, or judicial proceeding, a boxing commission, an Attorney General, or the Commission may not disclose to the public any matter furnished by a promoter under section 111.'';

(E) by striking ''section 13'' in subsection (b) of section 113, as redesignated, and inserting ''section 111'';

(F) by striking ''9(b), 10, 11, 12, 13, 14, or 16,'' in paragraph (1) of section 116(b), as redesignated, and inserting ''107, 108, 109, 110, 111, or 114,'';

(G) by striking ''9(b), 10, 11, 12, 13, 14, or 16'' in paragraph (2) of section 116(b), as redesignated, and inserting ''107, 108, 109, 110, 111, or 114'';

(H) by striking ''section 17(a)'' in subsection (b)(3) of section 116, as redesignated, and inserting ''section 115(a)'';

(I) by striking ''section 10'' in subsection (e)(3) of section 116, as redesignated, and inserting ''section 108''; and

(J) by striking ''of this Act'' each place it appears in sections 101 through 120, as redesignated, and inserting ''of this title''.

(2) COMPENSATION OF MEMBERS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Members of the United States Boxing Commission.''.

SEC. 722. STUDY AND REPORT ON DEFINITION OF PROMOTER.

(a) STUDY.—The United States Boxing Commission shall conduct a study on how the term ''promoter'' should be defined for purposes of the Professional Boxing Safety Act.

(b) HEARINGS.—As part of that study, the Commission shall hold hearings and solicit testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with respect to the definition of that term as it is used in the Professional Boxing Safety Act.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under subsection (a). The report shall—

(1) set forth a proposed definition of the term ''promoter'' for purposes of the Professional Boxing Safety Act; and

(2) describe the findings, conclusions, and rationale of the Commission for the proposed definition, together with any recommendations of the Commission, based on the study.

SEC. 723. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect on the date of enactment of this Act.

(b) 1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.—Sections 205 through 212 of the Professional Boxing Safety Act of 1996, as added by section 721(a) of this title, shall take effect 1 year after the date of enactment of this Act.

Mr. HATCH. Mr. President, I commend my esteemed colleagues in the Senate for passing S. 3021, the Family Entertainment and Copyright Act of 2004, which I introduced today with the senior Senator from Vermont. This important legislation is actually a package of several smaller intellectual property bills that the House and Senate have been working to enact over the past 2 years. This bill strengthens the intellectual property laws that are vital to the ongoing growth of our economy. In addition to important clarifications to U.S. intellectual property laws, this bill also contains the Family Movie Act, introduced by Representative Lamar Smith, the Chairman of the House subcommittee with jurisdiction over intellectual property legislation.

Title I of this Act, the Artists' Rights and Theft Prevention Act of 2003, the ART Act, contains a slightly modified version of S. 1932, authored by my colleagues Senators Cornyn and Feinstein, that passed the Senate by unanimous consent earlier this Congress. This bill will close two significant gaps in our copyright laws that are feeding some of the piracy now rampant on the Internet. First, it criminalizes attempts to camcord movies off of theater screens. These camcorded copies of new movies now appear on filesharing networks almost contemporaneously with the theatrical release

of a film. Several states have already taken steps to criminalize this activity, but providing a uniform Federal law, instead of a patchwork of State criminal statutes, will assist law enforcement officials in combating the theft and redistribution of valuable intellectual property embodied in newly-released motion pictures. Second, the bill will create a pre-registration system that will permit criminal penalties and statutory damage awards. This will also provide a tool for law enforcement officials combating the growing problem of music and movies being distributed on filesharing networks and circulating on the Internet before they are even released. Obviously, the increasingly frequent situation of copyrighted works being distributed illegally via the Internet before they are even made available for sale to the public severely undercuts the ability of copyright holders to receive fair and adequate compensation for their works.

Title II of this Act, the Family Movie Act of 2004, resolves some ongoing disputes about e legality of so-called ''jump-and-skip'' technologies that companies like Clearplay in my home state of Utah have developed to permit family-friendly viewing of films that may contain objectionable content. The Family Movie Act creates a narrowly-defined safe-harbor clarifying that distributors of such technologies will not face liability for copyright or trademark infringement, provided that they comply with the requirements of the Act. Throughout the 108th Congress, I have been working to resolve this issue with my colleagues in the Senate and several leaders in the House, including, most importantly Chairman SMITH and Chairman SENSENBRENNER. The Family Movie Act will help to end aggressive litigation threatening the viability of small companies like Clearplay who are busy creating innovative technologies for consumers that allow them to tailor their home viewing experience to their own individual or family preferences.

I thank my friend, the senior Senator from Arizona, for his and his staff's assistance in drafting this version of the legislation to resolve concerns that the House version might affect entirely unrelated disputes about commercial-skipping technology. Apparently, some were concerned that language in the House bill stating that this particular safe-harbor provision was not intended to resolve disputes about the legality of commercial-skipping technologies might be construed by courts as evidence that Congress believes that such technologies violate the Copyright Act. -

Courts do not, cannot, and should not construe the Copyright Act's safe harbors in this way. For example, when Congress created safe-harbor provisions for certain types of internet service providers, it did not imply that all others were violating the Copyright Act. Nevertheless, I am pleased that we were able to find language that satisfies all so that it is clear the Act's safe-harbor for family-friendly viewing technologies encode absolutely no judgment whatsoever about the proper resolution of entirely unrelated disputes about the legality of commercial-skipping technologies. It would have been tragic if we had allowed a special-interest dispute about advertising to deny parents access to technologies that give them and their children the opportunity to watch movies without being exposed to profanity or images of rape, sex or murder.

Title III of this Act, the National Film Preservation Act of 2004, will reauthorize the National Film Preservation Board and the National Film Preservation Foundation. These entities have worked successfully to recognize and preserve historically or culturally significant films, often by providing the grants and expertise that enable local historical societies to protect and preserve historically significant films for the local communities for which they are most important. This fine work will ensure that the history of the 20th century will be preserved and available to future generations. As a conservative Senator from a socially-conservative-state, I occasionally take a few swings at the movie industry for the quality and content of the motion pictures they are currently creating, but I will note for the record that I commend efforts to ensure that important artistic, cultural, and historically-significant films are preserved for future generations, and I commend the Senator from Vermont for his perseverance in reauthorizing federal funds to continue this important effort.

Title IV of this Act, the Preservation of Orphan Works Act, also ensures the preservation of valuable historic records by correcting a technical error that unnecessarily narrows a limitation on the copyright law applicable to librarians and archivists. This will strengthen the ability of librarians and archivists to better meet the needs of both researchers and ordinary individuals and will result in greater accessibility of important works. I applaud my colleague in the House, Representative HOWARD BERMAN of California, for his efforts on this bill and am pleased to see it included in this Senate package.

Title V of this Act, the Anticounterfeiting Act of 2004, amends our criminal and civil anticounterfeiting laws to ensure that these laws keep pace with the counterfeiters. Traffic in counterfeit copies of goods protected by American copyrights, patents or trademarks has become a multi-billion dollar drain on our economy. The proceeds of this illegal traffic are stolen from legitimate American companies and then used to fund other criminal enterprises. Unlike several of the other bills in this package that provide tools for combating music and movie piracy, the Anticounterfeiting Act is directed primarily toward combating counterfeiting practices that enable software piracy around the world.

To combat this counterfeiting, companies are using increasingly sophisticated authentication features to distinguish genuine, authorized copies of their products and to protect their customers and distributors. Now, the counterfeiters are fighting back by counterfeiting authentication features or by stealing legally produced authentication features and selling them to counterfeiters. The Anticounterfeiting Act of 2004 will impose criminal and civil penalties upon those who traffic in counterfeit or stolen authentication features. This will ensure that law-enforcement agencies and private rights-holders can halt criminal traffic in counterfeit or stolen authentication features before it even creates an illusion of authenticity that allows counterfeit goods to penetrate legitimate markets and endanger both the growth of our economy and the personal safety of our citizens.

Title VI of this Act, the Cooperative Research and Technology Enhancement Act of 2004, the CREATE Act, will create new opportunities to innovate when public institutions and private entrepreneurs combine their respective forms of expertise in collaborative, joint research efforts. This type of joint private-public research effort is well-suited to, in the words of President Lincoln, add ''the fuel of interest to the fire of genius in the production of new and useful things.'' As a result, we have long realized the enormous value of these joint research efforts, and we have long realized that their potential cannot be realized unless their participants can benefit from the intellectual property rights generated by such research.

Unfortunately, the literal language of Section 102(g) of the Patent Act suggests that nonpublic information known to some members of a private-public research team can constitute ''prior art'' that may make the final results of the team research obvious, and thus not patentable. Because nonpublic information does not usually constitute ''prior art'' under the Patent Act, the potentially disparate treatment of such information creates a disincentive for entrepreneurs and public institutions to collaborate in joint research efforts.

I believe that we must encourage, not discourage, public institutions and private entrepreneurs to combine their respective talents in joint research efforts. Indeed, Congress committed itself to this principle when it passed the Bayh-Dole amendments to the Patent Act. The CREATE Act will simply conform the present language of the Patent Act to the intent that has always animated it. I commend Chairman SMITH and his staff for their efforts on this legislation and am pleased that it has been made part of this package of bills.

Before I close, I thank all my colleagues and their staff who made passage of this bill today possible. In particular, I commend staff of both Judiciary Committees, including my own staff, Tom Sydnor and Dave Jones, and also Susan Davies, Chip Roy, Rich Phillips, Dan Fine, Jeff Miller, Jonathan Schwantes, Jonathan Meyer, Brooke Roberts, Bill Bailey, Lee Carosi, Jim Hippe, Joseph Gibson, Bill Bailey, Blaine Merrit, David Whitney, Joe Keeley, Alec French, and Sampak Garg.

Finally, I must note that the bicameral, bipartisan approach to these bills in particular and to intellectual property issues in general is a model we should strive to achieve in the 109th Congress.

FEDERAL EMPLOYEE DENTAL AND VISION BENEFITS ENHANCEMENT ACT OF 2004

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 783, S. 2657.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2657) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions 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 amendment (No. 4075) was agreed to, as follows:

AMENDMENT NO. 4075

(Purpose: To make technical and conforming amendments)

On page 3, line 10, insert ''or an employee organization defined under section 8901(8)'' after ''companies)''.

On page 8, line 9, insert ''area'' after ''delivery''.

On page 12, line 15, strike ''General Accounting Office'' and insert ''Government Accountability Office''.

On page 13, line 1, strike ''General Accounting Office'' and insert ''Government Accountability Office''.

On page 15, line 4, insert ''or an employee organization defined under section 8901(8)'' after ''companies)''.

On page 19, line 20, ''area'' after ''delivery''.

On page 23, line 25, strike ''General Accounting Office'' and insert ''Government Accountability Office''.

On page 24, line 11, strike ''General Accounting Office'' and insert ''Government Accountability Office''.

On page 25, line 18, strike all through page 26, line 19.

On page 26, line 20, strike ''sec. 7.'' and insert ''sec. 6.''.

On page 27, line 7, strike ''sec. 8.'' and insert ''sec. 7.''.

The bill (S. 2657), as amended, was read the third time and passed, as follows:

S. 2657

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 ''Federal Employee Dental and Vision Benefits Enhancement Act of 2004''.

SEC. 2. ENHANCED DENTAL BENEFITS FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89 the following:

''CHAPTER 89A—ENHANCED DENTAL BENEFITS

''Sec.
''8951. Definitions.
''8952. Availability of dental benefits.
''8953. Contracting authority.
''8954. Benefits.
''8955. Information to individuals eligible to enroll.
''8956. Election of coverage.
''8957. Coverage of restored survivor or disability annuitants.
''8958. Premiums.
''8959. Preemption.
''8960. Studies, reports, and audits.
''8961. Jurisdiction of courts.
''8962. Administrative functions.

''§ 8951. Definitions

''In this chapter:

''(1) The term 'employee' means an employee defined under section 8901(1).

''(2) The terms 'annuitant', 'member of family', and 'dependent' have the meanings as such terms are defined under paragraphs (3), (5), and (9), respectively, of section 8901.

''(3) The term 'eligible individual' refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

''(4) The term 'Office' means the Office of Personnel Management.

''(5) The term 'qualified company' means a company (or consortium of companies or an employee organization defined under section 8901(8)) that offers indemnity, preferred provider organization, health maintenance organization, or discount dental programs and if required is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

''(6) The term 'employee organization' means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

''(7) The term 'State' includes the District of Columbia.

''§ 8952. Availability of dental benefits

''(a) The Office shall establish and administer a program through which an eligible individual may obtain dental coverage to supplement coverage available through chapter 89.

''(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

''(c) Nothing in this chapter shall be construed to prohibit the availability of dental benefits provided by health benefits plans under chapter 89.

''§ 8953. Contracting authority

''(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8954 without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

''(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

''(b) Each contract under this section shall contain—

''(1) the requirements under section 8902(d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

''(2) the terms of the enrollment period; and

''(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

''(c) Nothing in this chapter shall, in the case of an individual electing dental supplemental benefit coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

''(d)(1) Each contract under this chapter shall require the qualified company to agree—

''(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

''(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

''(i) to establish internal procedures designed to expeditiously resolve such disputes; and

''(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

''(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

''(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

''(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

''(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

''(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

''(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

''§ 8954. Benefits

''(a) The Office may prescribe reasonable minimum standards for enhanced dental benefits plans offered under this chapter and for qualified companies offering the plans.

''(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

''(c) The benefits to be provided under enhanced dental benefits plans under this chapter may be of the following types:

''(1) Diagnostic.

''(2) Preventive.

''(3) Emergency care.

''(4) Restorative.

''(5) Oral and maxillofacial surgery.

''(6) Endodontics.

''(7) Periodontics.

''(8) Prosthodontics.

''(9) Orthodontics.

''(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery area specified by the Office. The Office shall require qualified companies to include dentally underserved areas in their service delivery areas.

''(e) If an individual has dental coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

''§ 8955. Information to individuals eligible to enroll

''(a) The qualified companies at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a dental benefits plan information on services and benefits (including maximums, limitations, and exclusions), that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

''(b) The Office shall make available to each individual eligible to enroll in a dental benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

''§ 8956. Election of coverage

''(a) An eligible individual may enroll in a dental benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

''(b) The Office shall prescribe regulations under which—

''(1) an eligible individual may enroll in a dental benefits plan; and

''(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

''(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another dental benefits plan—

''(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

''(B) during other times and under other circumstances specified by the Office.

''(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

''§ 8957. Coverage of restored survivor or disability annuitants

''A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and is later restored, may continue enrollment in a dental benefits plan subject to the terms and conditions prescribed in regulations issued by the Office.

''§ 8958. Premiums

''(a) Each eligible individual obtaining supplemental dental coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

''(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

''(c) The amount necessary to pay the premiums for enrollment may—

''(1) in the case of an employee, be withheld from the pay of such an employee; or

''(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

''(d) All amounts withheld under this section shall be paid directly to the qualified company.

''(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

''(f)(1) The Employee Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

''(2)(A) There is established in the Employees Health Benefits Fund a Dental Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

''(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Dental Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

''§ 8959. Preemption

''The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to dental benefits, insurance, plans, or contracts.

''§ 8960. Studies, reports, and audits

''(a) Each contract shall contain provisions requiring the qualified company to—

''(1) furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

''(2) permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

''(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

''(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the dental benefits available under chapter 89, to ensure the competitiveness of plans under this chapter. The Office shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

''§ 8961. Jurisdiction of courts

''The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8953(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

''§ 8962. Administrative functions

''(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

''(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the dental benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.''.

SEC. 3. ENHANCED VISION BENEFITS FOR FEDERAL EMPLOYEES.

Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89A (as added by section 2 of this Act) the following:

''CHAPTER 89B—ENHANCED VISION BENEFITS

''Sec.
''8981. Definitions.
''8982. Availability of vision benefits.
''8983. Contracting authority.
''8984. Benefits.
''8985. Information to individuals eligible to enroll.
''8986. Election of coverage.
''8987. Coverage of restored survivor or disability annuitants.
''8988. Premiums.
''8989. Preemption.
''8990. Studies, reports, and audits.
''8991. Jurisdiction of courts.
''8992. Administrative functions.

''§ 8981. Definitions

''In this chapter:

''(1) The term 'employee' means an employee defined under section 8901(1).

''(2) The terms 'annuitant', 'member of family', and 'dependent' have the meanings as such terms are defined under paragraphs (3), (5), and (9), respectively, of section 8901.

''(3) The term 'eligible individual' refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

''(4) The term 'Office' means the Office of Personnel Management.

''(5) The term 'qualified company' means a company (or consortium of companies or an employee organization defined under section 8901(8)) that offers indemnity, preferred provider organization, health maintenance organization, or discount vision programs and if required is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

''(6) The term 'employee organization' means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

''(7) The term 'State' includes the District of Columbia.

''§ 8982. Availability of vision benefits

''(a) The Office shall establish and administer a program through which an eligible individual may obtain vision coverage to supplement coverage available through chapter 89.

''(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

''(c) Nothing in this chapter shall be construed to prohibit the availability of vision benefits provided by health benefits plans under chapter 89.

''§ 8983. Contracting authority

''(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8984 without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

''(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

''(b) Each contract under this section shall contain—

''(1) the requirements under section 8902 (d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

''(2) the terms of the enrollment period; and

''(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

''(c) Nothing in this chapter shall, in the case of an individual electing vision supplemental benefit coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

''(d)(1) Each contract under this chapter shall require the qualified company to agree—

''(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

''(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

''(i) to establish internal procedures designed to expeditiously resolve such disputes; and

''(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

''(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

''(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

''(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

''(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

''(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

''(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

''§ 8984. Benefits

''(a) The Office may prescribe reasonable minimum standards for enhanced vision benefits plans offered under this chapter and for qualified companies offering the plans.

''(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

''(c) The benefits to be provided under enhanced vision benefits plans under this chapter may be of the following types:

''(1) Diagnostic (to include refractive services).

''(2) Preventive.

''(3) Eyewear.

''(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery area specified by the Office. The Office shall require qualified companies to include visually underserved areas in their service delivery areas.

''(e) If an individual has vision coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

''§ 8985. Information to individuals eligible to enroll

''(a) The qualified companies at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a vision benefits plan information on services and benefits (including maximums, limitations, and exclusions), that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

''(b) The Office shall make available to each individual eligible to enroll in a vision benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

''§ 8986. Election of coverage

''(a) An eligible individual may enroll in a vision benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

''(b) The Office shall prescribe regulations under which—

''(1) an eligible individual may enroll in a vision benefits plan; and

''(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

''(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another vision benefits plan—

''(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

''(B) during other times and under other circumstances specified by the Office.

''(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

''§ 8987. Coverage of restored survivor or disability annuitants

''A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and is later restored, may continue enrollment in a vision benefits plan subject to the terms and conditions prescribed in regulations issued by the Office.

''§ 8988. Premiums

''(a) Each eligible individual obtaining supplemental vision coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

''(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

''(c) The amount necessary to pay the premiums for enrollment may—

''(1) in the case of an employee, be withheld from the pay of such an employee; or

''(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

''(d) All amounts withheld under this section shall be paid directly to the qualified company.

''(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

''(f)(1) The Employee Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

''(2)(A) There is established in the Employees Health Benefits Fund a Vision Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

''(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Vision Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

''§ 8989. Preemption

''The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to vision benefits, insurance, plans, or contracts.

''§ 8990. Studies, reports, and audits

''(a) Each contract shall contain provisions requiring the qualified company to—

''(1) furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

''(2) permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

''(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

''(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the vision benefits available under chapter 89, to ensure the competitiveness of plans under this chapter. The Office shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

''§ 8991. Jurisdiction of courts

''The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims,

of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8983(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

''§ 8992. Administrative functions

''(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

''(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the vision benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.''.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENT.

The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 89 the following:

''89A. Enhanced Dental Benefits 8951
''89B. Enhanced Vision Benefits ..... 8981''.

SEC. 5. APPLICATION TO POSTAL SERVICE EMPLOYEES.

Section 1005(f) of title 39, United States Code, is amended in the second sentence by striking ''chapters 87 and 89'' and inserting ''chapters 87, 89, 89A, and 89B''.

SEC. 6. REQUIREMENT TO STUDY HEALTH BENEFITS COVERAGE FOR DEPENDENT CHILDREN WHO ARE FULL-TIME STUDENTS.

Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report describing and evaluating options whereby benefits under chapter 89 of title 5, United States Code, could be made available to an unmarried dependent child under 25 years of age who is enrolled as a full-time student at an institution of higher education as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to the calendar year 2006.

AMENDING TITLE 21, DISTRICT OF COLUMBIA OFFICIAL CODE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4302, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4302) to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. 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. 4302) was read the third time and passed.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO RETIRING SENATORS

FRITZ HOLLINGS

Mr. REID. Mr. President, I want to spend a few minutes talking about the Senators who will not be here when the Senate starts over again this January. The first I ever heard about Senator FRITZ HOLLINGS was while watching a TV program where Senator HOLLINGS was running for President, and he said, during a Presidential debate, when the issue of the day was whether there should be a nuclear freeze, which had been propounded by Alan Cranston, another candidate, when asked about the nuclear freeze, Senator HOLLINGS said, ''Until a few days ago, I thought this was a new kind of dessert.'' That wit is typical of FRITZ HOLLINGS.

Mr. President, FRITZ HOLLINGS is a man who is, as far as I am concerned, the epitome of what it means to be a Senator. He is a person who looks the role and is everything that I am not—tall, handsome, with flowing white hair, and very articulate. This is a man who was one of the original southern politicians who thought it was appropriate to start talking about the evils of segregation. FRITZ HOLLINGS is tall, handsome, with a great voice, a great sense of humor; and he is somebody for whom I have the greatest respect. I will miss him so much.

He, Peatsy, and I have traveled. He is someone who has been so good to the State of South Carolina. I have been to his home. He has given me a tour of Columbia, SC, where he is a legend in his own time. He showed me the place where he was born.

I want to extend through the magic of this television to everyone within the sound of my voice the fact that FRITZ HOLLINGS is a great Senator and will go down in the history of the Senate as one of the great Senators.

I also want FRITZ and Peatsy to know how much I care for them, and I appreciate very much their generosity and friendship to Landra and me over these many years.

JOHN BREAUX

JOHN BREAUX and I came to the Senate together. We served in the House together. He comes from a State that, of course, is famous for unpredictable politics, and JOHN has done every bit of his work to make sure that tradition is upheld.

When he was running for the Senate, as only JOHN BREAUX could do, his opponent raised a question, and his opponent, who was somebody who also had served in the House of Representatives, said JOHN BREAUX can be bought. They would rush out to JOHN BREAUX and would say: Your opponent said you could be bought. How do you respond to that? JOHN BREAUX said: Well, I can be leased but I can't be bought. Who else, other than JOHN BREAUX, could get away with something like that?

He is a great person, a person of integrity, a person who came to the House of Representatives way back in 1972. He served in the Congress for 32 years. There is no one who is better at making a deal than JOHN BREAUX. I say this in the most positive way. Legislation is the art of compromise, consensus building, and JOHN BREAUX understood that to a T. We need more people such as JOHN BREAUX with the ability to reach across the aisle.

We will miss JOHN BREAUX, Mr. Problem Solver. I appreciate his and Lois's friendship over these years. I will miss him very much.

BOB GRAHAM

BOB GRAHAM and I came to the Senate together in 1986. He first ran for Governor 26 years ago. Since that time, and even before, he has spent hundreds of days working with regular Floridians in their jobs.

The thing we all see in BOB GRAHAM is the little notebooks he carries and everything he does he writes down. I am sure some day after we are long gone, a historian will review those, and BOB GRAHAM will be well known in the history books because he wrote the history of everything he has done for the last 25 or 30 years.

He was a great Governor for the Sunshine State. He has been a tremendous Senator. I served with him from the time we came here on the Environment and Public Works Committee. He has certainly been tremendous on that committee. He is a detail man. He is a person, for example, who worked on the Everglades. He was tireless, persistent, and so smart. He has become an expert on foreign affairs and foreign intelligence. He served as chairman of the Intelligence Committee. He has written a book on the subject. His knowledge and contributions in that area will be hard to replace.

I certainly will miss the Senator from Florida. It is just too bad he decided not to run for reelection.

JOHN EDWARDS

I ask everyone to pull out this week's People magazine, if they have one—if not, get a copy of it—because that tells the story of JOHN and Elizabeth EDWARDS. The story is directed toward Elizabeth because she has now been stricken with breast cancer, but it tells in some detail about this wonderful family.

He was the Vice Presidential candidate and is someone who has tremendous ability. I am a trial lawyer. He is a trial lawyer. He has made such a distinct impression on the country with his oratorical skills. We know why he was a great trial lawyer.

People magazine is so filled with information and inspiration. The last sentence in that People magazine article talks about Elizabeth Edwards. She knew she had breast cancer in the last week of the campaign. She did not tell anybody, but she tells in this People magazine article that was so well written that somewhere at a place she stopped, they were having a cancer survivor program, and one of them asked her: Are you a cancer survivor? She did not answer but, of course, thought to herself, as the article says: We'll see.

We will see. We certainly hope for the Edwards family, which has already had a lot of personal problems due to the death of their 16-year-old son, we really do hope—all of us, all Americans hope for Elizabeth Edwards, this wonderful woman, to recover.

I will miss JOHN EDWARDS in the Senate. He only served here 6 years, but he certainly left his mark as a great Senator from the State of North Carolina. North Carolina is going to benefit, however, from the defeat of the Kerry-Edwards ticket because he is returning to North Carolina.

DON NICKLES

DON NICKLES and I have done some things together in the Senate that I will always remember. There are laws on the statute books of this country. One of the things we did, and people said we could not do, resulted because we were concerned about regulations and how burdensome and overbearing they can become. So we introduced legislation that basically said if the administration promulgates a regulation that we do not think helps the country, then we can overturn that regulation. That is the law.

We have overturned regulations that have been burdensome to this country. I have not always liked the result of the legislation that has been overturned, but it is my law along with Senator NICKLES'. He is a great legislator.

We worked together on the Appropriations Subcommittee on Legislative Branch. We really did some things that have changed what goes on. We have changed things a great deal, such as how Members of the House and Senate do their franking. We changed that.

Senator NICKLES and I were the first to talk about how bad the east front of the Capitol looked, and we did a number of things. We got the automobiles removed from the east front of the Capitol. This was what first got me interested in doing something about having a visitor center on the east front of the Capitol, which is now in the process of being completed.

I have so much respect for Senator NICKLES. He and I have a different political philosophy, no question about that, but I think the work we have done together sets an example of how Democrats and Republicans of totally different political philosophy can work together for the betterment of this country.

DON NICKLES is a good man. He is a young man. He has a great future in the private sector. I personally will miss him a lot. I care a great deal about DON NICKLES and wish him the very best.

BEN NIGHTHORSE CAMPBELL

Everyone has heard me talk about Searchlight, NV, the place of my birth and where I still live. The only Senator who has ever been to my home in Searchlight is BEN NIGHTHORSE CAMPBELL. BEN NIGHTHORSE CAMPBELL one day called my wife and said: I will be in Searchlight and want to come visit you. I will be there in about 40 minutes.

I was out doing a little jog. I thought something was wrong when I came back. She said: NIGHTHORSE is on his way.

He had a vehicle that was so big—I live a little bit off the beaten path—it could not get into my yard. We went up and met him and brought him back to my home. We had a wonderful visit.

BEN NIGHTHORSE CAMPBELL is, among other things, a great artist. He makes jewelry. I wanted to get my wife something very special for Christmas a couple years ago, and I went to BEN NIGHTHORSE CAMPBELL to see if he could do something unique. He said he was making his daughter a belt, and he would make one just like it for my wife.

He did that. It is a beautiful piece of jewelry. There are two of them in the world. My wife has hers, and if you go to the Museum of the American Indian, which is right down the way and just opened, you will see my wife's silver belt in the museum. Actually, it is not hers, it is his daughter's, but there is only one identical to my wife's. BEN NIGHTHORSE CAMPBELL is a great guy, a tremendous athlete.

I have great admiration for his physical prowess. I have always disagreed with his motorcycle riding but he believes he should continue doing that. He is a man who has written a book. I have read his book. It is a wonderful rags-to-riches story. He will be missed and that is an understatement.

TOM DASCHLE

There is no way I can, on the Senate floor in the few minutes I am going to take, convey to my colleagues and the people within the sound of my voice the feelings I have about TOM DASCHLE. He and I came to the Senate together 18 years ago. We served in the House of Representatives before that. The last 6 years we have worked together daily. There may be a day or two that went by without our talking but they were rare. We spoke even during the time we were on break. We have virtually been together every day. The only time we really did not spend a lot of time communicating is when he was in South Dakota and I was in Searchlight. Our BlackBerrys would not work. My BlackBerry now works in Searchlight. His still does not work in South Dakota.

TOM's legislative record is certainly there. It is apparent. He has done wonderful things for the State of South Dakota and this country. I could, but it is really unnecessary, explain what he has done for the farmers, the environment, the military, including the veterans, but what I can try in a very inadequate way is to express to him, through this manner, the things I have tried to say personally to him in the last couple of weeks, and that is express my appreciation to him for the opportunities he has given me.

TOM DASCHLE is a totally unselfish person. I can remember about 6 years ago when I was selected by my peers to be assistant leader I went to Senator DASCHLE and said: What is this job going to be? He said: Whatever you make it.

I took him at his word, and this job is what I thought the assistant leader or the whip should be. I could never have done what I have done and had the good fortune of being in the places I have been and had the freedom to do things on this Senate floor but for the support and authorization of Senator DASCHLE.

I do not think I have ever raised my voice to Senator DASCHLE. We both grew up with three brothers. We are the first to really go to school of any depth in our families. I have learned a lot from Senator DASCHLE.

As I have told everyone, I am not TOM DASCHLE and I am going to be a different kind of person in the new duties I have beginning at the first of the year.

I told TOM DASCHLE earlier this week that earlier this year I lost my best friend. His name was Mike O'Callaghan. He was someone who taught me in high school. He taught me how to fight in the ring and in other places. When I went to law school, he helped me. He was a disabled Korean veteran but he gave me part of his pension money to help me through tough times in school. I was allowed to take the bar before I graduated from law school. I was married and had two children, was desperate for money. I came back to Reno and there was Michael O'Callaghan. He gave me a $50 bill. That was in the fall of 1963. He gave me a $50 bill. I had never seen one before but he gave that to me. He knew I was desperate for money.

Then I held a few offices, and as a very young man I ran for Lieutenant Governor. People kind of thought I was going to win that. He moved back from California to Nevada to run for Governor because there was no Democrat to run sitting for Lieutenant Governor. They knew O'Callaghan had no chance, but he did. He became the Governor of the State of Nevada.

I am trying to paint a picture for this man and how close he was to me. He was so good to me, able to give me advice and counsel. He told me what I needed to hear, not what I wanted to hear, and I did not make a decision important in nature unless I discussed it with my friend Mike O'Callaghan.

He went to church early one morning this summer and died. It was a very

painless death. He went to church every day. He was a devoutly religious man, and somebody whom I have missed more than words can describe.

I told my friend TOM in his office a day or two ago that he was now my Mike O'Callaghan, that I have somebody I will call just as I did my friend Mike, that I will call him often. He said: That is fine. You could not call me too many times.

So TOM DASCHLE and I have developed a relationship that can best be described as two brothers. I have three brothers, one of whom is dead. So TOM replaces my brother Dale. I will call TOM and I will talk to him when I feel it necessary, knowing he will continue to give the advice and counsel to me that he has for the last 6 years.

There are additional things I would like to say, but I will suffice to say that for the 22 years I have known TOM DASCHLE, which has been culminated in the 6 years of intense personal contact where we have dealt with the problems of the country and the world in great depth, that there will never be an opportunity and an experience like that again. I am grateful to TOM and to his wonderful wife Linda for their friendship and TOM's service to our country.

Mr. SANTORUM. Mr. President, I rise today to pay tribute to departing Senators for their service and devotion to the United States Senate. They are not only my colleagues but my friends as well.

The reality of elections for the Senate is that every two years we experience change—current members depart and new members are welcomed. At every transition I am reminded by the reality that life is more than just politics. I am certain the departing Senators—are experiencing a tremendous feeling of sorrow, yet anticipation of things to come, as they leave their friends, colleagues, and this great nurturing institution.

Though we may fight hard during campaigns, we return to the Senate after the election to realize that we are not just losing Senators—we are losing friends. There is a bond—a collegiality and friendship—in the Senate that crosses party lines. We face long hard battles on the campaign trail and sometimes things can get ugly. But after all is said and done, after election day, we must all come back to Washington and work together to do what is best for our country.

I will certainly miss my colleagues with whom I have worked for several years. I have had the honor to serve on the Finance Committee with four of my distinguished retiring colleagues, including Senator JOHN BREAUX and Senator DON NICKLES. Both of these men were instrumental in leading the fight to reform Medicare.

Senator JOHN BREAUX and I have worked side by side on Social Security issues. He is a good friend and he has always been willing to compromise. He is the master of a very noble craft that of bringing people together from both sides of the aisle.

Senator DON NICKLES has been a valuable comrade in protecting intellectual property rights of pharmaceutical companies and reforming health care, specifically working hard to pass the Patients Bill of Rights. He also sponsored commendable legislation to create the Office of International Religious Freedom at the Department of State, which I cosponsored. Senator NICKLES as whip and chairman of the Budget Committee has done more to advocate fiscal conservatism than any other Senator during my tenure. He has a true expertise in these issues, and I thank him for his guidance and leadership.

More importantly, Senator NICKLES befriended me when I first came to the Senate and encouraged me to get involved in the National Prayer Breakfast and the Senate Bible Study. If it were not for his friendship, my time in the Senate would have been drastically different.

BEN NIGHTHORSE CAMPBELL

Senator BEN NIGHTHORSE CAMPBELL is a very kind and humble man and I have had the honor to work with him to assure that nondemocratic forces are unsuccessful in undermining movements for democracy in the Ukraine. But what I remember most about Senator BEN NIGHTHORSE CAMPBELL is a story he told me once about his decision to vote for the ban on partial-birth abortion. While in the hospital recovering from a motorcycle accident, Senator CAMPBELL was touched by the immense effort of doctors to save the lives of babies that weighed only a couple pounds. He was convicted by the significance of doctors going to such great lengths to save babies only a couple minutes old. This picture made him question partial-birth abortions: Why would we not do everything in our power to save babies who were still in their mother's womb? I thank Senator CAMPBELL for his honesty on this issue and for sharing that story with me. I will never forget it.

ZELL MILLER

I had the privilege of getting to know Senator ZELL MILLER as we traveled around the country together this past fall. Senator MILLER and I have worked hard on education issues including the Paperwork Reduction Act. He is a man that believes in the ideals of this nation and understands that we must sometimes take a stand if we want to be heard. I treasure the friendship that Senator MILLER and I have formed during our service together. I want him to know how much I admire him. He is a man with the courage to stand up for his convictions. He did the hardest thing for any man to do—he endorsed the opposing party's nominee in this year's election. I cannot thank him enough for his support. I will always have undying gratitude for him.

Our departing Senators have been lights of inspiration and men who went above the call of duty to serve our country in their congressional capacities. They each have their own unique political perspective that has served the Senate well. Although my philosophies may differ from some Senators, we do not disagree on the greatness of America. We can all agree that we live in the greatest nation in the world, and we all believe that without democracy, life, liberty, and justice cannot flourish.

My departing colleagues are great men and great Americans. They have contributed immensely to our country—making their states and our country significantly better than when they first stepped foot on the Senate floor.

We are all going to miss their presence and wisdom here in the Senate. Their departures will surely leave a hole in expertise and leadership that will be hard to fill. I wish them health and happiness in their future endeavors—wherever the road may take them. May God continue to bless them and their families.

Come January, as we face another transition, I welcome in the new members and look forward to forging new relationships as we continue to work towards making Americans safer, healthier, and more financially secure.

BEN NIGHTHORSE CAMPBELL

Mr. HATCH. Mr. President, I would like to take a moment to honor my good friend and colleague, Senator BEN NIGHTHORSE CAMPBELL of Colorado. BEN is my best friend in the Senate. I know every one of my Senate colleagues would join me in expressing how much we care for Senator CAMPBELL and how much we will miss him here in the Senate.

I have always considered BEN to be larger than life, someone you would read about in a novel about the Senate than someone actually serving in the Senate. He is a high-school dropout who became a United States Senator, a veteran of the Korean war, captain of the U.S. judo team, and an extremely successful horse breeder and jeweler. He doesn't conform to any stereotypes. No other senators—let alone Republicans—wear a ponytail, ride a Harley-Davidson to work, or stubbornly refuse to wear any neckwear more formal than a western bolo tie.

But I am sure I am not surprising any of you by saying BEN is not your typical politician. One of my favorite stories about BEN's independent streak is from a town meeting he held back when he was a Member of the House.

A constituent asked BEN a question, and BEN did his best to answer it. The gentleman didn't like the response, so he tersely rephrased the question and BEN answered it again. The man got very upset, and said ''You have not answered my question!'' BEN firmly told him, ''Look, you asked a question, I answered it. You asked me again, and I answered it. Now I can't help it if you don't like the answer you got, but these other folks are waiting to ask questions of their own, so you and I are just going to have to agree to disagree.''

BEN started to call on another person when the man jumped out of his chair

and yelled to BEN, ''I don't believe you are taking all of the facts that I've stated into account, and you are not going to simply dismiss me like that. I am a taxpayer, and I pay your salary, and I demand an answer!''

BEN, through gritted teeth, said, ''You know, I hate it when people feel that because you're an elected official, they somehow own you. Do you realize that my salary costs every man, woman and child in this country about one-half of one cent each year?'' At that point, BEN reached into his pocket, pulled out a penny, flipped it to the man, and said, ''Here's your refund!'' He turned to the audience and yelled, ''Next question!'' The audience cheered and the man left the meeting.

Now that is a good description of the BEN NIGHTHORSE CAMPBELL that I have come to know and love.

Most of you know that I have sat next to BEN during policy lunches ever since he saw the light and switched parties so many years ago. I still love to tell the story of when he decided to move over to the right side of the aisle.

BEN and I became good friends soon after he joined the Senate, and we repeatedly discussed his growing disillusionment with the policies and politics of those on other side of the aisle. I would point out that power, its accumulation and retention, seemed to be of greater importance to some on his side than finding the right answer, that the worth of an issue should not always be measured simply by political advantage. He would disagree, but over time his protests would grow fewer and less heartfelt.

I was surprised when BEN stopped me one day nearly 10 years ago and said, ''Orrin, you're right. I can't stand it anymore over here.'' He asked whether I could arrange for him to see Senator DOLE, and I said, ''I believe I can''—3 minutes later we were in Bob Dole's office.

Bob had the biggest smile on his face I had ever seen and gave BEN a warm hug. He commented about the courage and principle it took to make such a decision, but he didn't need to make a hard sell. It was obvious BEN had already made up his mind to become a Republican.

I can vividly remember when BEN attended his first Republican policy luncheon. BEN and I had discussed how disappointed he was with the direction and tone of the Democrat policy meetings. He said they had devolved from honest discussions of differences into angry, one-sided shouting matches dominated by some of the most senior and well-known members. If you didn't agree with their liberal positions, your view wasn't welcome.

I assured BEN that the Republicans were different. We showed great respect for one another and there was always considerable deference given to differing points of view.

When BEN and I took our places at the back of the room—where we have sat together since that day—a quiet discussion soon broke out into bitter argument. One person jumped up, anger seething from his face, stared at another very senior member with a snarl on his face, and then called him a derogatory name. Everyone started shouting, and it took Bob Dole several minutes to restore order.

BEN's eyes got larger and larger as he watched what was happening, then without turning his head, he gave me a quick jab in the ribs. ''Gee, Orrin,'' he muttered, ''it's sure good to see how well we Republicans get along compared to those darn Democrats!''

Thankfully, BEN's decision to join the Republican Party wasn't solely based on policy lunches.

I have plenty more stories to tell of my good friend from Colorado, but I will close by saying that I will miss BEN dearly and wish him the very best as he starts the next phase in his life. I know him too well to think that this is really a retirement from public service. This is just the end of one phase of service that will open up several other ways for him to reach out and make a difference in the lives of those around him.

ZELL MILLER

Mr. President, I am grateful for the chance to take a few moments to recognize my good friend from across the aisle, Senator ZELL MILLER of Georgia. ZELL is one of my best friends in the United States Senate. I know every one of my Senate colleagues would join me in expressing how much we care for Senator MILLER and how much we will miss him.

It is no secret that ZELL is his own man, someone who does what he believes is right, not what is politically expedient. His values were shaped while growing up in the South, raised by his strong mother and reinforced through his service in the U.S. Marine Corps.

And for those who say you cannot be a successful politician without sacrificing some of your principles, I point to my good friend from Georgia. When he finishes his Senate term this year, he will complete nearly six decades of publicly elected service, starting with his first election as mayor of his hometown of Young Harris, Georgia, in the late 1950s.

ZELL was a popular two-term Governor of Georgia in fact, he was named the most popular Governor in America by The Washington Post in 1998. His popularity came from his successful programs that found national acclaim among them was passing the Nation's first ''two strikes and you're out'' law against violent felons, starting the Nation's only voluntary pre-kindergarten program for 4-year-olds, and creating the nationally acclaimed HOPE scholarship that has had such tremendous success in Georgia.

My good friend swept into the Senate to complete the remaining 4 years of the late Senator Paul Coverdell. Many political observers call ZELL the last of the Southern conservative Democrats to serve in the Senate. He has certainly established himself as a strong voice for the conservative, commonsense approach to issues, reaching across the aisle to support tax cuts, improve education, confirm judicial nominations, and strengthen national security.

ZELL is widely known for his straight talk on the issues you know where he stands and what he stands for, and everything he says comes straight from the heart. I can't tell you how many times a constituent from my home State of Utah will write to tell me how inspired they were by a speech that ZELL had given on this Senate floor.

I am sorry to see ZELL leave, but I am grateful for the service he has given these last 4 years. He is beloved by Georgians, and I know he would have easily been reelected, and he is beloved by millions in America. And, last but not least, he is beloved by his colleagues here in the Senate.

PETER G. FITZGERALD

Mr. President, I would like to take a moment of the Senate's time, as we near completion of our duties for the 108th Congress, to honor the work and contribution to Republican Party, the Senate, and the Nation of my friend, the Senator from Illinois, Senator PETER FITZGERALD. Senator FITZGERALD has chosen to take his youth and talents and serve in other areas outside of the Senate. Our loss will be, no doubt, the gain of others.

Senator FITZGERALD provided a good, youthful, and modern face to the Republican Party. Our party will only stay strong if we maintain within it our own diversity of perspectives, and I am grateful for the contribution of Senator FITZGERALD.

Elected to the Senate in 1998 at the very young age of 38, the Senator immediately added his vigor, intelligence, and experience in financial markets to address many of the complicated issues faced by your Government and society as the Nation turned into the 21st century.

When corporate scandals erupted early in this century, threatening to undermine confidence in markets, the Senate was, indeed, fortunate to be able to turn to Senator FITZGERALD for his thoughtful and informed guidance. As a former commercial banking attorney, he used his expertise in his positions on the Commerce and Governmental Affairs Committees, particularly his chairmanship of the subcommittee on Financial Management, the Budget and International Security, to chair or support numerous hearings to illuminate the problems and necessary legislation we needed to return probity to financial dealings and confidence in our markets. The modern capitalist system is what provides growth and wealth to all the societies of the world, and the American markets are the most dynamic in the world. They are also the most diversified, and the vast majority of our citizens depend on them for employment, security and retirement. We owe a

great deal of appreciation to Senator FITZGERALD for his work on corporate fraud issues, and I would like to thank him, once again.

Senator FITZGERALD is a reformer, through and through. It is his dedication to our system of Government and economy that drove him to find ways to improve it. He applied his drive to reform to consumer issues, Government affairs, financial management, and the complicated mesh of revenue collection that is the current tax system of this country. And he quite deservedly received numerous acclamations from groups advocating for consumer and tax reform.

Through this all, he never lost his focus on his home State. He didn't work for Illinois to get re-elected, he worked for Illinois because of his dedication to his State and his high standards of public service. A column in the Chicago Tribune, a good paper not known for being ragingly Republican, commended him for ''elevating courage and honesty to new heights.'' That sounds right to me.

I will miss the presence of Senator FITZGERALD, his thoughtful floor statements before this body, and the impeccable manners of a gentleman that are so naturally his. His State can be proud of the Republican they sent to serve too briefly in this body. We will miss his intelligence and dedication, and I will miss a good Senator and friend. I expect that, with his relative youth, we will hear much more of PETER G. FITZGERALD.

DON NICKLES

Mr. President, I rise today to express my sincere gratitude for having had the opportunity to serve with Senator DON NICKLES, and to wish him the very best as he retires from the Senate.

A lot of descriptive words come to my mind when I think of DON NICKLES. Among the most prominent are courageous, knowledgeable, and engaging. All three of these, as well as many other of DON NICKLES' qualities, will be sorely missed in the United States Senate.

I can think of no other Member of the Senate who has been a more rock solid beacon for conservatism than DON NICKLES. His is the kind of courage that leads him to speak up alone against the whole world, if necessary, for what he believes. No matter what the issue or whether it is brought up on the floor of the Senate, in one of his committees, or in some other forum, DON NICKLES is willing to speak up in his earnest yet friendly manner to ask questions, raise concerns, and stand up for conservative principles. Senator NICKLES has been one of the most articulate Senators I have seen in my 28 years of service in the Senate. His voice, in defense for what he and many of us believe to be right, will be noticeably absent in the months and years to come.

Senator NICKLES is also one of the most knowledgeable Members of this body. I have long been impressed with his grasp of minute details of economic, tax, and budget issues. His major committee assignments, Budget, Finance, and Energy, all cover complex issues that can take a huge amount of effort to master. Yet, DON clearly does his homework and seems totally at ease in discussing details of the budget or a comprehensive tax bill. As chairman of the Budget Committee, Senator NICKLES has served with distinction. With all the challenges facing the budget in the recent past, DON has presided over that committee in particularly trying times. Yet, he has exhibited patience and perseverance in the midst of a number of very difficult problems. Every citizen of this country owes him a debt of gratitude for his service on our behalf.

DON NICKLES is also one of the most engaging individuals I have had the privilege of knowing. His quick smile and friendliness to not only other Senators, but also to Senate staff and to everyone he meets marks him as a genuinely fine individual. I know Don has a deep faith in God and strives to do his best to live according to his convictions.

As Senator NICKLES moves on toward the next stage in his impressive career, I wish him the very best and hope that we have the opportunity to see him regularly and to have the benefit of his wisdom and knowledge for many years to come.

TOM DASCHLE

Mr. President, I am grateful for this opportunity to say a few words about our friend and colleague, the distinguished minority leader, Senator TOM DASCHLE.

TOM's commitment to public service, on behalf of the people of South Dakota and America, is an example I hope more citizens will follow. He served here as a Senate staff member before being elected to the House of Representatives in 1978. South Dakota is one of just seven States with a single House member, which required TOM to run a statewide race. That was familiar territory for him when he ran for and won his Senate seat in 1986. Tom is one of 49 Senators who previously served in the other body, experience which I believe enhances their service here and makes the Senate more effective in serving all Americans.

Yesterday, our colleague Senator DURBIN said that it is hard to imagine the Senate without TOM DASCHLE. Some might merit that compliment because of the sheer length of their tenure. TOM merits it because of the presence he quickly established, both as a Member and as a leader in this body. He was only 2 years into a second term when his fellow Democrats elected him their leader by just one vote. Only Lyndon Johnson became his party's leader more quickly.

TOM's 10 years as Democratic leader included periods as both majority and minority leader. Those positions, especially in a narrowly divided chamber, are each very challenging and each very different. TOM served in each post with class and determination, unifying his caucus and working to achieve their agenda. Needless to say, we have not agreed on every element of that agenda. But in this political world, it is really a compliment to say that TOM effectively and skillfully used whatever tools were available to fight for what he believed and for what his caucus wanted to achieve. Even when we were at loggerheads, when it seemed like the irresistible force was meeting the immovable object, civility has always marked TOM DASCHLE's presence in this body, as a Senator and as a leader.

I was gratified to hear Senator DASCHLE's comments on this floor yesterday and a few things really stood out. First, I was struck by the fact that he his number in the chronological list of United States Senators is 1776. TOM offered the valuable reflection that he is, as we all are, part of the broad sweep of American history, from the American revolution to the 108th Congress and into the future.

Second, TOM asked a very important question, whether our power comes just from military might or also from wisdom, compassion, tolerance, and willingness to cooperate. Everyone who serves in this body should maintain that perspective.

Third, TOM spoke of what he called the politics of the common ground. Individual Senators, as well as the two political parties, have certain bottom-line issues, certain fundamental principles or positions on which they just find little room to give. But on others, and I sometimes wonder whether this list is longer than we might think, we must practice the politics of common ground. Reminding us of that was, by itself, an act of leadership by the minority leader.

And finally, he told us of a note he wrote on one of his famous unscheduled driving trips across his State. He wrote, ''Everything was worth doing.'' Each of us who has worked alongside TOM DASCHLE, whether on the same or opposing sides, knows that this is his approach to, and attitude about, public service. That sets a good example for us all.

BOB GRAHAM

Mr. HARKIN. Mr. President, with the close of the 108th Congress, the Senate will lose to retirement one of our most respected and admired Members, Senator BOB GRAHAM of Florida.

I remember how impressed we were in 1987 when BOB came to the Senate after two terms as an enormously popular Governor of Florida. From the start, he made his mark in this body as a serious and diligent legislator—a classic workhorse Senator rather than show-horse Senator.

One of his greatest accomplishments was the passage, 4 years ago, of comprehensive legislation to restore and protect the Florida Everglades. This was BOB GRAHAM at his very best: forging a bipartisan consensus, and crafting a unique partnership among

Federal, State and local governments as well as private industries and landowners. This will be a living monument to Senator BOB GRAHAM: a restored and revitalized Everglades.

I first got to know BOB GRAHAM back in 1977, a decade before he came to this body. At the time, he was a state senator down in Florida, planning to run for Governor the following year. He had heard about my work days, an idea that I originated when I was running for Congress in 1974. I had spent dozens of work days—as a cop on the beat, construction worker, farmer, nurse's aide, and many other professions. It was a great way to get in touch with ordinary working Iowans and their concerns.

I remember BOB coming by my office over in the Cannon House Office Building. He was a very serious man, very analytical and thorough. He asked all the right questions. And a couple weeks later, he sent me his plan to conduct 100 work days during his campaign for Governor. I told him, as tactfully as I could, that was way too many, that he would never be able to do it. But BOB went ahead with his plan. He did, indeed, conduct 100 work days. He did, indeed, get elected Governor of Florida. And I learned never to underestimate BOB GRAHAM.

By the way, BOB's work days didn't stop there. As Governor and United States Senator, he went on to complete nearly 400 work days, serving as police officer, teacher, garbage man, busboy, hurricane relief worker, you name it. BOB swears by the value of these days—as I do. In fact, in 1997, he spent one work day as a U.S. Customs inspector at the port in Tampa. This opened his eyes to the extreme vulnerability of our ports to crime, drug trafficking, and terrorist strikes.

And the work days continue. Last month, Senator GRAHAM spent a day as a high school civics teacher in Miami. And just this past weekend, he spent a day as a bookseller in Coral Gables.

All of which is typical of BOB GRAHAM. He may be retiring from the Senate, but he is not a retiring man. He continues to be a workhorse and a whirlwind of activity. His new book, Intelligence Matters, has stirred up controversy by shining a spotlight on the Saudi royal family's connections to terrorism.

The fact is BOB is leaving the Senate at the very top of his game, especially in the field of intelligence and homeland security. After the September 11 attacks, it was Senator GRAHAM who proposed the creation of a joint House-Senate inquiry into the intelligence failures leading up to the attacks. Senator GRAHAM ended up serving as co-chair of that historic effort, and he did just a brilliant job of keeping the inquiry bipartisan, focused on the facts, focused on solutions.

Meanwhile, events have vindicated Senator GRAHAM's principled stand as one of only 23 Senators to vote in October 2002 against the resolution to authorize the use of force against Saddam. At the time, he argued passionately that the war on terrorism should be our highest priority. He insisted that al Qaeda was the real threat to America, and that an attack on Iraq would be a detour and distraction from the war on terrorism. And, as usual, BOB GRAHAM was exactly right. The Senate failed to heed his warnings. I failed to heed his warnings. And, as a result, Osama bin Laden remains at large, al-Qaida and the Taliban are reconstituting themselves, and our Armed Forces are bogged down in a quagmire in Iraq.

So, no question, with BOB GRAHAM's retirement, the Senate is losing one of its most talented and respected members. Over the years, BOB and Adele have become wonderful friends, and those friendships will continue. But I will miss the day-to-day association on the floor with BOB.

As I said, you have to respect the fact that BOB GRAHAM is leaving the Senate at the very top of his game. I wish BOB and Adele all the best.

JOHN BREAUX

Mr. President, there are not many things on which all Senators agree. But on one thing, there is universal, bipartisan agreement in this body: We are going to miss Senator JOHN BREAUX when he retires at the end of the 108th Congress.

Make no mistake, JOHN BREAUX is a tremendously accomplished Senator, with scores of legislative achievements and accomplishments. He is a Senator's Senator. But when I think of JOHN BREAUX, I think first and foremost of his character, his unique way with people, and his wonderful good nature.

You can disagree with JOHN, but you can never dislike him. He has a knack for taking disagreements and disputes, and turning them into deals to move people forward. This is a priceless talent—a special skill—and I have never met another politician who could match JOHN BREAUX's gifts in this regard.

For JOHN, politics is not something you do with clinched teeth. Politics is a joy. Politics is fun. They used to call Hubert Humphrey the ''happy warrior.'' And that is very much the spirit that JOHN BREAUX has always brought to his work in the Senate. However, JOHN would rather not make war on other Senators; he would rather cut a constructive deal that gets things done for ordinary people.

Of course, these personal qualities have allowed JOHN BREAUX to be an amazingly effective Senator for his State of Louisiana. When JOHN comes to you, when he tells you he needs help on a measure critical to his State, it is mighty hard to say no. Frankly, many times I have had a preconceived notion against the oil and gas industries, and I have opposed what they are trying to do on this or that bill. But JOHN BREAUX would come to see you, he talks it through, and next thing you know, you find yourself supporting him. He is just so effective in that kind of one-on-one persuasion. And, time and again, Louisiana has been the big winner.

Another hallmark of JOHN BREAUX in the Senate has been his commonsense centrism. JOHN is a man of strong principles, but he is not rigid and he certainly is not an ideologue. The questions JOHN asks are, ''What is practical?'' ''What is going to work in the real world?'' ''What can we bring people together on, in order to make a positive difference?''

Typical of Senator BREAUX was his proposal a couple years ago to address the problem of 54 million Americans without health insurance. He called for universal health care. But he kept it practical. He proposed that all Americans have access to a basic, government-defined insurance package similar to what members of Congress and our staffs get from the Federal Employees Health Benefit Plan. And he proposed tax credits to make premiums more affordable for middle- and lower-income citizens.

Perhaps it is symbolic that JOHN BREAUX is leaving the Senate at this time. As we saw this week in the conference on the FSC bill, the spirit of compromise and the art of constructive accommodation seem to be dying in the Senate—and even more so in the House. Increasingly, the attitude around here is ''my way or the highway.'' And that is not the Senate that I have loved over the years. That is not healthy for our democracy.

The shame is that JOHN BREAUX is leaving at exactly the time when we need his talents more than ever. In fact, we need a dozen JOHN BREAUXs around here to heal this body, to show people how to rise above partisanship in the best interests of the country.

So I will miss JOHN's presence in the Senate. We will all miss him. But JOHN BREAUX is the youngest 60-year-old person I have ever met. And you can bet that he has many challenges and opportunities still ahead of him. JOHN and Lois have been, and will continue to be, wonderful friends. And I wish them all the best.

ERNEST F. HOLLINGS

Mr. INOUYE. Mr. President, I rise to join my colleagues in tribute to Senator ERNEST ''FRITZ'' HOLLINGS. I will miss my good friend from South Carolina who in 2003, at the age of 81, finally became his State's senior Senator—after 36 years as a junior Senator.

In addition to being remembered as a coauthor of the Gramm-Rudman-Hollings legislation that cut tens of billions of dollars from the Federal budget deficit, FRITZ HOLLINGS has left an indelible mark on our Nation in the areas of health care, environmental protection, resource conservation, technology development, job creation, transportation security, and law enforcement, to name a few.

Immediately after the September 11, 2001, terrorist attacks on America,

Senator HOLLINGS worked to protect the safety of our traveling public by authoring the Aviation Security Act which created the Transportation Security Administration. Similarly, recognizing that America's ports and borders were our Nation's weak security links, Senator HOLLINGS championed legislation to increase security at America's ports.

As the father of the National Oceanic and Atmospheric Administration, Senator HOLLINGS recognized the extent to which the ocean environment sustains us—from human uses in commerce and recreation to being the original cradle of life on our planet. He knew the importance of taking appropriate steps to be responsible stewards of this rich, yet fragile resource.

His oceans legacy includes authorship of the National Coastal Zone Management Act of 1972, which established Federal policy for protecting coastal areas, and the Marine Mammal Protection Act, which also became the model for other countries, for the protection of dolphins, sea otters and other mammals. In a continuing effort to do what is best for our ocean environment, Senator HOLLINGS created the U.S. Commission on Ocean Policy in 2000, to review the accomplishments of the last 30 years, and recommend actions for the future. Upon the issuance of the report, Senator HOLLINGS laid the groundwork for legislation to adopt the recommendations of the Ocean Commission. I am the proud cosponsor of two of those measures, S. 2647, the Fritz Hollings National Ocean Policy and Leadership Act, and S. 2648, the Ocean Research Coordination and Advancement Act.

Beyond the oceans, Senator HOLLINGS worked to make our communities and schools safer, through programs such as Community Oriented Policing Services—COPS—that put more than 100,000 police officers on the streets in 13,000 communities across the country. The COPS program is also the largest source of dedicated funding for interoperable communications for public safety officers.

Senator HOLLINGS brought competition to the telecommunications arena which resulted in new services to consumers at affordable rates.

I will miss Senator HOLLINGS' wisdom, vision, and wit, but, most of all, his friendship.

I wish FRITZ and his wife Peatsy a fond Aloha.

DON NICKLES

Ms. COLLINS. Mr. President, DON NICKLES first came to the Senate in 1980 as a young man of 31 with a vision. He now leaves us, 24 years later, with a record we all can envy and a reputation we all should emulate. There are a lot of words that can be used to describe this man. Perhaps these five describe him best: ''As good as his word.''

In his eloquent eulogy to Ronald Reagan this summer, DON said that those who came to Washington after the watershed election of 1980, ''considered ourselves part of the soldiers in the field trying to get an agenda done to expand freedom.''

There is no more noble an agenda than the expansion of freedom, and he has been a devoted soldier to that cause. He has been a strong advocate for our Armed Forces, dedicated to the defense of our Nation and to the expansion of liberty around the world.

He has been equally devoted to the freedom that comes from responsible, less intrusive and more accountable government. He is a champion of effective economic-growth policies, and of tax reform that encourages investment and helps build strong families and communities. DON NICKLES has always been of the side of the American people. His tenure as chairman of the Budget Committee will long be held up as a model of effective leadership, a cooperative spirit wedded to rock-solid principles.

DON comes from a small State and from a background in small business. That we have not always agreed on every issue is insignificant. What does matter is the values we share and the friendship that is the result.

DON is much more than just an especially effective legislator and a very good friend. When Oklahoma City was struck by a heinous act of terrorism in 1995, he was there for the people of his State, offering comfort and support. The rebuilding, both material and spiritual, would not have been so quickly and thoroughly accomplished without the strength of DON NICKLES.

He came here as a young man and, despite the passage of 24 years, leaves as a young man. And, I might add, as a pretty fast man. In the New York Marathon last weekend, Oklahoma's senior senator finished in the top half of a field of more than 36,000 runners. If there was a caucus for Senators able to run more than 26 miles in less than 4½ hours, I believe it would be the smallest in the history of the republic.

Thank you, Senator DON NICKLES, for your service to this institution and to this country. Whatever path the future sets before you, I know you will be at the front of the pack.

ERNEST HOLLINGS

Mr. LEAHY. Mr. President, I rise today to pay tribute to a legend of a man who has spent his career dedicated to working for the great people of South Carolina. There is nothing small about Senator HOLLINGS. From his height, to his storied career, to his large booming voice and southern drawl you can always hear calling ''yea'' or ''nay'' during rollcall votes, Senator HOLLINGS is a giant. A reporter once said that if you sent to central casting for a Senator, you got FRITZ HOLLINGS. I have had the pleasure of serving with Senator HOLLINGS for all 30 of my years in the Senate and during that time he, and his wife Peatsy, have been dear friends.

Before setting foot in this Chamber, Senator HOLLINGS had amassed a career that any man would be proud of. He attended the Citadel, the Military College of South Carolina, and upon his graduation in 1942 accepted a commission in the U.S. Army. He served our country honorably in the campaigns in North Africa and Europe during World War II, and received a Bronze Star for his valor. Senator HOLLINGS began his political career when he was 26 as he was elected to the South Carolina House of Represenatives. During his second term he was voted Speaker pro tempore and a short 4 years later he was elected lieutenant governor. In 1958 at age 36 was elected as Governor, the youngest Governor of South Carolina in the 20th Century.

Senator HOLLINGS was first elected to Senate in 1966 and has subsequently been re-elected to six additional terms, making him the ninth longest serving Member of this body. Throughout his entire career the Senator has been a leader, fighting to protect our ports, our neighborhoods and American manufacturing jobs. He has been an outspoken advocate for fiscal responsibility, civil rights and against hunger.

In 1974, he led the creation of the Women, Infants and Children—WIC—nutritional assistance program. In 1978, he sponsored legislation and helped secure funding for South Carolina's first National Park, Congaree Swamp. He has stood tall in protecting our oceans and coasts, he authored the Marine Mammal Protection Act and the Oceans Act of 2000, which created the U.S. Commission on Ocean Policy.

Since 1967 Senator HOLLINGS has been a member of the Commerce Committee and from his coauthorship of the 1996 Telecommunications Act that deregulated the telecom industry to his work on the FTC ''Do Not Call List,'' he has consistently looked out for the best interest of consumers. In 2000, Senator HOLLINGS and I, along with Senators SARBANES and WYDEN, were successful in beating back the wholesale federal preemptions of State consumer protection laws during negotiations of the E–Commerce bill which I sponsored.

Senator HOLLINGS is the longest serving Democrat on the Budget Committee, and is the only Democrat to have served on the committee every year since its creation. In 1984 Senator Hollings collaborated with Senators Phil Gramm and Warren Rudman to establish the Gramm-Hollings-Rudman deficit reduction legislation that helped reduce the deficit by $70 billion in its first year of enactment.

I have had the pleasure to serve with Senator HOLLINGS on the Appropriations Committee, where he has served since 1971, and is currently 3rd highest ranking member. From this position he has helped important initiatives both in South Carolina and nationally, such as a cause I have always strongly supported, the battle against cancer. Senator HOLLINGS helped create a nationwide program to screen women for breast and cervical cancer and worked to establish a cancer center at the Medical University of South Carolina that bears his name.

Earlier this fall more than 600 friends came together to celebrate Senator HOLLINGS's career in the Senate, an event that raised $2 million for the Hollings Cancer Center. We toasted his accomplishments and his incredible career of public service that has spanned more than five decades in State and national politics. I joined this body in 1974 and I immediately learned that Senator HOLLINGS is a man that always speaks his mind. His straightforward manner, dynamic personality and unwavering integrity are qualities that make me proud to call him my friend. I have valued his friendship and his camaraderie over these past 30 years, and I wish FRITZ and his wife Peatsy the best of lives in their beloved South Carolina.

JOHN BREAUX

Mr. President, the State of Louisiana has a proud history of sending remarkable public figures to serve in the Senate. Louisiana has elected leaders that have been influential in guiding the direction of our country. Our colleague JOHN BREAUX is a man from this same mold. For more than 30 years the senior Senator from Louisiana has represented his State in Washington, with 18 years as a Member of this body, and 14 years of service in the House of Representatives. In that time, he has always been willing to reach across the aisle to bring our colleagues together and his leadership has produced a list of impressive legislative accomplishments.

As chairman and then as ranking member of the Special Committee on Aging, Senator BREAUX has fought tirelessly for the rights of older Americans, working to reform and protect both Social Security and Medicare. The senior Senator from Louisiana has also provided strong leadership within the Senate during his 8-year tenure as deputy chief whip. His repeated election to this position speaks to the respect that our colleagues have for Senator BREAUX's ability to routinely bring together Members with differing opinions to build a consensus.

One of Senator BREAUX's lasting legacies will be the leading role he has taken with regard to environmental conservation. In 1990, the Senator authored the Coastal Wetlands Planning, Protection and Restoration Act, which provides for the restoration of the vital coastal wetlands of Louisiana and has since become known as the Breaux Act. This legislation was passed during his first term in the Senate and has since been renewed. More recently, Senator BREAUX has supported legislation that would help protect coastal regions from the impact of offshore oil and gas exploration.

In our many years of service together, Senator BREAUX and I have had the opportunity to work closely on a wide range of issues. We both have been actively involved in telecommunications legislation, and collaborated on legislation that authorized reform of the telephone industry. I am particularly appreciative of Senator BREAUX's unwavering support for legislation opposing the use of antipersonnel landmines, an issue of great significance to me personally and to the safety of millions of people around the world.

I am proud of the body of legislation that Senator BREAUX and I advanced together throughout our shared time in the Senate. I commend Senator BREAUX for his dedication to being a watchdog for American seniors, for his legacy of environmental protection in Louisiana, and for his record of public service on behalf of his fellow Louisianans. The Senate and the people of Louisiana are losing a dedicated public servant and exceptional leader. I congratulate the Senator on a remarkable congressional career and wish him continued success in his future endeavors.

On a personal level, JOHN and Lois BREAUX are good friends. Marcelle and I share the joy of telling grandchildren stories—and even of borrowing Mardi Gras costumes. I quickly realized in wearing one that you needed the special Cajun flavor of Louisiana to carry it off. JOHN can do that one day at a Mardi Gras party and the next day handle on the floor the most complex issue facing the Finance Committee. He is a Senator's Senator.

BOB GRAHAM

Mr. LEAHY. Mr. President, at the end of this Congress we will bid farewell to distinguished members of this body who have served their States and their country with honor. I rise today to pay tribute to the Senior Senator from Florida, a man who has been a leader in the Senate on national intelligence issues, prescription drugs and the environment and has been a strong voice in this body on behalf of the interests of his fellow Floridians.

For more than four decades Senator GRAHAM has been a leader in Florida politics, serving his State as a State representative and Senator, as Governor and as a United States Senator. For 18 years Senator GRAHAM has compiled an impressive record of leadership while serving as chairman and ranking member of the Veterans Affairs Committee, chairman of the Intelligence Committee, chairman of the Democratic Senatorial Campaign Committee, and as a senior member of the Senate Finance Committee.

Since 1974, Senator GRAHAM has completed more than 400 ''Workdays,'' with Floridians around his State. During these workdays the Senator spends working alongside his constituents, the personal interaction helps him understand the challenges that Floridians face. These visits clearly have provided Senator GRAHAM with an opportunity to recognize the community values and hard work that are exhibited and shared by his constituents. These jobs have gone everywhere from garbage loader to short order cook. No Senator has done anything similar.

From his position on the Senate Finance Committee, Senator GRAHAM has picked up the torch for causes supported by another respected Floridian Claude Pepper, the former Senator and Congressman. He has supported providing affordable prescription drugs to Americans and has advocated for a common sense approach to Medicare that focuses on wellness and preventative health. Senator GRAHAM has increased access to the Children's Health Insurance Program and has pushed Congress to live up to its commitment to support social services.

Both as Governor and Senator, BOB GRAHAM has been dedicated to protecting the environment. He has helped direct millions of dollars to protect the Everglades, restore wetlands and promote responsible development. In the Senate, BOB GRAHAM has voiced opposition to drilling on the Outer Continental Shelf and for an end to the harmful practice of dredging in the Apalachicola River.

For those of us that have served with Senator GRAHAM in the Senate we have admired his hard work and dedication to his constituents. We join him now in celebrating his eighteen successful years in this body, a period of time that is one part of a career of service to the State of Florida. As Senator GRAHAM moves out of the public eye, he leaves behind a legacy of accomplishment that will be forever remembered by his fellow Americans and Floridians. He also leaves a reputation of integrity and insight. History will show that this country should have listened to his warnings about the failed intelligence leading up to the war in Iraq.

JOHN EDWARDS

Mr. President, I rise today to recognize the service of Senator JOHN EDWARDS of North Carolina.

Because of his time on the campaign trail, Senator EDWARDS' biography is well known to most Americans. He is the son of a mill worker and was the first in his family to attend college. Before coming to the Senate, JOHN fought for victims' rights against insurance companies for more than 20 years in North Carolina. He enjoyed great success in that career, but seeking to do more for the people of his State, he decided to run for the Senate in 1998. JOHN ran against, and defeated, an incumbent Senator, Senator Faircloth. Immediately upon arriving in the Senate, Senator EDWARDS began to make an impact.

Only a few days after Senator EDWARDS was sworn in, I asked him to help depose witnesses in the impeachment trial of President Clinton. I wanted to make sure we had the best, and I thought he was. It was JOHN's career experience that made him an ideal choice to assist in the depositions, and he had recent experience working in the trenches. In that pressure filled situation JOHN won the respect of all of his colleagues, both on this side of the aisle and the other.

From his seat on the Health, Education, Labor and Pensions Committee,

Senator EDWARDS advocated for lowering the cost of prescription drugs for all Americans by improving access to generic medications. In 2001, he authored the Patients' Bill of Rights which would have guaranteed that people in HMOs and other insurance plans get the health care they pay for. Unfortunately, this was passed in the Senate but blocked by the White House. In addition to serving on the HELP Committee, Senator EDWARDS served on the Intelligence, Small Business, and Judiciary Committees.

As a member of the Judiciary Committee, Senator EDWARDS worked closely with me on a number of legislative efforts. He was a cosponsor of the Innocence Protection Act, the National Amber Alert Network, and a strong voice on judicial nominations. Senator EDWARDS has stood up to efforts by this President to pack the courts with people whose records do not demonstrate that they will be fair judges to all who come before them, rich or poor, Democrats or Republicans, or any race or background.

In September of 2003, Senator EDWARDS announced that he was running for President. JOHN ran a great campaign, raising issues important to the American people. He frequently referred to the division of America into two halves, that of the haves and that of the have-nots. JOHN focused on the struggles of the middle class and many of the same issues that he was a leader on during his time in the Senate. Throughout the campaign, JOHN was a positive voice for our party, and he was an excellent choice as a running mate for JOHN KERRY.

In an interview, JOHN once said that he had an ideal image of what a U.S. Senator should be. He said that ''I think about a fiery advocate, someone who works passionately for his constituents.'' For the past 6 years, JOHN has been exactly that. Be it health or education reform, supporting farmers or North Carolina's economic interests, JOHN EDWARDS has been an incredible leader and advocate for his State. I will miss JOHN's friendship here in the Senate. I know that he has a wonderful wife and three beautiful children, and that whatever steps he takes next that he will be just fine as long as he has their support.

BEN NIGHTHORSE CAMPBELL

Mr. LEAHY. Mr. President, for the past 12 years, the Senator from Colorado has served his State with distinction as a member of this body. Throughout that time, I have been pleased to join my friend and colleague in a number of legislative efforts. He has been a tireless advocate on behalf of Native Americans, for the protection of police officers, and for preserving public lands and natural resources. It is because of his leadership on these, and many other issues, that the presence of the senior Senator from Colorado will be missed in this Chamber.

In 1989, Senator CAMPBELL, then Congressman CAMPBELL, sponsored legislation to create a new museum that would ensure the recognition and celebration of Native American culture and history. I am thrilled that earlier this summer we were able to join in the celebration with Senator CAMPBELL as the Smithsonian Museum of the American Indian opened in Washington, DC. I know that none of us will ever forget the sight of our colleague in full chief's regalia speaking on the Senate floor on the day the new museum opened.

Before serving his State in Washington, Senator CAMPBELL represented his country as the captain of the U.S.-Olympic Judo team, competing in the 1964 Tokyo Summer Olympics. While I have never had to witness him use these skills on a fellow member of the Senate, he once helped subdue a suspect that had shoved Senator Thurmond until the Capitol Police arrived.

One of Senator CAMPBELL's most noted passions is his enthusiasm for motor vehicles. Senator CAMPBELL has a well documented love of Harley-Davidson motorcycles, and Washingtonians have occasionally caught a glimpse of the Senator riding around town on his motorcycle. As the Capitol Hill newspaper The Hill noted in April of 2003, the Senator added to his vehicle collection last spring when he replaced his 20-year-old Dodge Plymouth last spring with a brand new Mini Cooper. While most Americans may know how the Senator gets around town when he is in Washington, far fewer probably know that Senator CAMPBELL was behind the wheel for most of the trip when the 2000 National Holiday Tree was transported from Colorado to Washington, DC on a Mack truck.

Senator CAMPBELL and I share a background in law enforcement, he as a former Sacramento County sheriff's deputy in California, and I as a State's attorney in Vermont. This background helped bring us together to develop the Bulletproof Vest Partnership Grant Acts of 1998 that has since been reauthorized in both 2000 and 2004. Since its inception in 1999, this highly successful Department of Justice program has provided law enforcement officers in 16,000 jurisdictions nationwide with nearly 350,000 new bulletproof vests.

Earlier this year, Senator CAMPBELL and I collaborated to produce the Law Enforcement Officers Safety Act, which will allow qualified active-duty law enforcement officers to travel interstate with a firearm, provided that officers are carrying their official badges and photographic identification. I was proud to team up with Senator CAMPBELL in writing and introducing the Senate version of the Law Enforcement Officers Safety Act that will enable law enforcement officers nationwide to be prepared to answer a call to duty no matter where, when, or in what form it comes.

Senator CAMPBELL has a long and distinguished legislative history as a Member of the United States Congress. I am proud to have served with him on the Agriculture and Appropriations Committees, and I am proud of our partnerships to protect police officers, fight against landmines, and to provide funding for the WIC and Head Start programs. I applaud the Senator for his 12 years of service in the Senate and 6 years of service in the House of Representatives, and I congratulate him on a remarkable career.

Mrs. DOLE. Mr. President, today I want to take a moment to pay tribute to my friend and my colleague, Senator BEN NIGHTHORSE CAMPBELL.

Long before I arrived in the Senate, BEN had proven to be a trusted friend. In my early days as a Senator, our friendship was furthered as I sought wise counsel from veteran members like BEN. I found that his wisdom and insight on the rules and idiosyncrasies of Capitol Hill were invaluable to my adjustment here. And I must say, I just thoroughly enjoy his company. It goes without saying that having to say farewell to BEN certainly pulls at my heartstrings.

I also sought BEN's aid when I introduced my first legislation to finally offer the Lumbee Indian Tribe Federal recognition. This significant bill would not have moved forward without the strong assistance of the Senator from Colorado. I was moved by BEN's interest in the bill, and to this day, I am touched that he remains invested in something so close to my heart. I am eternally grateful for the role he's played in moving Lumbee recognition one step closer to becoming a reality. BEN's commitment to the Native American community is unparalleled and is certainly to be commended.

BEN's legacy will linger in the halls of the Senate long after he has shut the door to his offices. He leaves behind a record of service that one can only hope to emulate. Coloradoans have benefited from BEN's character, conscientiousness and compassion for years, and I know they will welcome him home with open arms.

My warmest best wishes to my dear and treasured friend, Senator BEN NIGHTHORSE CAMPBELL. There is no doubt that he will be sorely missed, not just by me, but by all of us who have been blessed to call him our colleague and our friend.

DON NICKLES

Mr. President, it is an honor to pay tribute to a good friend and colleague who has had such a stellar and effective career in the United States Senate. I am so proud to have worked alongside a man of such character and knowledge, and I am certain that I speak for all my colleagues when I say his leadership in Congress will be sorely missed.

DON NICKLES' career is the classic American success story. After working his way through Oklahoma State University by starting a janitorial service, he was elected to the United States Senate in 1980 at the age of 31. While serving in Congress, his peers haveconsistently shown their confidence in his abilities, electing him to

several leadership posts including senatorial committee Chair, chairman of the Republican Policy Committee, assistant majority leader and Budget Committee chairman.

The day after DON announced he would not seek a fifth U.S. Senate term, the Oklahoma City Daily Oklahoman stated that his retirement ''will leave Oklahoma without its most powerful Washington advocate.'' How true that is. Over his two-decades-long career, the good that DON has done for his constituency is immeasurable.

As a Senator, DON has amassed a tremendous record as an advocate for taxpayers. When our economy was in need of recovery because of a recession compounded by the events of September 11, DON was a leader in pushing the economic growth and tax relief package through Congress. Thanks to his efforts, today our economy is on the upswing with jobs being added, homes being built and small businesses expanding. DON gets great credit for his role in making that happen.

I will always remember DON coming down to Eastern North Carolina to campaign with me at a tobacco warehouse. Asked to speak on stage in favor of the tobacco quota buyout, which of course he did not support, he graciously spoke about how hard I would work to get this done for the State. DON demonstrated his character that day, as he did on so many other days during his many outstanding years as a servant of the public.

DON has always used the power of his office for good. I admire the way that he has stood for what he believes, no matter the challenge. He has brilliantly served the people of Oklahoma and all Americans with courage and conviction, a stellar example for those who follow in his footsteps. May God bless Senator DON NICKLES and his family for many years to come.

Ms. SNOWE. Mr. President, I rise to join my colleagues today in paying tribute to a man who, in the President's words, ''has left his mark on virtually every major issue'' during his service in this body, the senior Senator from Oklahoma, the Budget Committee chairman, our colleague DON NICKLES.

For more than two decades, Senator NICKLES has served the people of Oklahoma and America with strength of conviction, wisdom, and hard work, every day. I have had the good fortune of serving with the Senator from Oklahoma for a decade, particularly closely on the Budget and Finance Committee, and for 6 years as his counsel while he was majority whip. I have gotten to know well Senator NICKLES' passion and insight, his firm understanding of policy matched with ability to plainly articulate it, and his generous sense of humor and warm personality that have made him a colleague no one will soon forget.

Oklahoma sent DON NICKLES to the Senate in the year of the ''Reagan Revolution''—1980. In many ways—and I know the Senator has said so himself—his start in public service was molded and defined by President Reagan's inspiring vision and love of freedom. Our new 69-year-old President projected a contagious, even youthful optimism. So did the new Senator from Oklahoma, but in DON NICKLES' case, it was the optimism of youth. At 31, he was the youngest Republican elected to this chamber in American history.

Senator NICKLES' contributions shepherding the Reagan agenda through Congress were immediate and his rise was meteoric. After 6 years he had served as NRSC chairman and was at the helm of the Republican policy council.

I must say that as Chair of the Small Business Committee, I think it is an invaluable asset to the Senate to have a colleague such as Senator NICKLES who has been there on the front lines of job creation as an entrepreneur—starting his own janitorial service to work his way through Oklahoma State. Before Senator NICKLES came to Washington, he was a small businessman from Ponca City, OK. He was already allergic to needless red tape and gridlock. So when Senator NICKLES sees a problem, he sets out to solve it—guided by his deeply held principles and informed by a firm grasp of the legislative process.

Like the leader he counts as his mentor, President Reagan, the Senator from Oklahoma brings to public life his firmly rooted beliefs, a can-do Heartland optimism, and that rare ability to disagree without being disagreeable. Senator NICKLES is a colleague I will miss, and I wish him, his wife Linda, and his family much happiness in the new endeavors that lie ahead.

I am pleased to join my colleagues in thanking and honoring Senator NICKLES for over two decades of distinguished service to the country he loves and the State he has made proud.

JOHN BREAUX

Mr. President, I rise today to honor my friend and incomparable colleague in both the House and Senate for 26 years, Senator JOHN BREAUX. The senior Senator from Louisiana leaves this institution stronger for having lent his voice and his leadership to these Chambers. Senator BREAUX's commitment to bipartisan statesmanship has enriched the Senate, improved the lives of Louisiana families and resulted in landmark accomplishments for the American people.

Churchill said that ''A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty.'' By that definition, none can doubt which camp Senator BREAUX falls in. He is the Senate's most irrepressible optimist. He steps into the breach, not merely in words, but in countless efforts over his tenure in both the House and Senate to make the process work for the people it is intended to serve. Where some see hopeless gridlock, Senator BREAUX always sees a glimmer of hope and acts on it. Never settling for complacency, he uses his trademark tenacity and energy to move the deliberative process forward. His is a record of achievement over acrimony.

I personally was privileged to work closely with Senator BREAUX for more than two decades. He and I have always shared a vision of politics and public life as positive and constructive endeavors. And we have a long history together, dating back to our days serving in the House of Representatives, of reaching across the aisle to reach consensus and produce results.

In fact, we worked together on such fundamental issues as the Federal budget when Senator BREAUX was a member of a moderate, southern Democrat group called the Boll Weevils, and I a member of the northeast Republican Gypsy Moths. Some still wonder why both our groups carried the names of ravenous insects.

But it was fortuitous that Senator BREAUX and I had this record of cooperation because it seemed only natural when we later teamed-up as co-chairs of the Senate Centrist Coalition, which Senator BREAUX founded along with the late Senator John Chafee in 1995 during the Government shutdown.

So there is no question that I will miss him—we will all miss him—because we need more leaders such as Senator JOHN BREAUX in Congress. He has proven that we can cultivate common ground even out of sometimes barren partisan landscape. And his ability to forge compromises has made possible many signature accomplishments of both Democrat and Republican administrations. Senator BREAUX views public service as an opportunity to get things done for the people he serves, to make a difference in their lives—whether it was reforming welfare to help families move from public assistance to self-sufficiency, strengthening and saving Medicare and Social Security, preserving wetlands like the Louisiana Bayou, or providing tax relief to stimulate to job creation.

What has made Senator BREAUX so effective is not only his legislative acumen, but also his personal bonds with colleagues. The Senator has brought people together with his self-effacing wit, his candid approach, and his eagerness to reach out to colleagues on both sides of the aisle. So it is not surprising that he departs the Senate with the respect, trust and affection of Senators across the political spectrum.

I am grateful for the opportunity to have served alongside Senator BREAUX, and I wish him, his wife Lois, and their entire family all the best in their future endeavors.

Mr. DASCHLE. Mr. President, nearly 26 years ago, I arrived in Washington as a newly elected Congressman with an urgent desire to help the people of my State but not nearly as much knowledge as I wanted about exactly how to do that.

Having good ideas and getting those ideas enacted into law, as my old friend Paul Wellstone used to say, are often

two very different matters. I decided to call on some of my heroes men who were serving in Congress then who had contributed greatly to the life of our Nation and whom I admired. One of those men was Claude Pepper. Another was Mo Udall. Both shared their time and wisdom generously with me and gave me advice that has guided me all these years.

In 1988, Mo Udall wrote a wonderful book entitled ''Too Funny to be President.'' I recommend it to anyone, especially those who have the privilege of serving in elected office in our great democracy. The ability to see humor in one's own circumstances and to share a good-natured laugh with others is essential if you are going to last long in public office.

Mo Udall dedicated his book ''to the 3,000 members of Congress living and dead with whom I served for nearly three decades.'' As I prepare to end my own nearly three decades in Congress, I, too, am deeply grateful to all of the Members of Congress living and dead with whom I have had the privilege of serving and from whom I have learned so much.

The list of such members is long. In addition to my early mentors, Claude Pepper and Mo Udall, it includes members who were gone long before I was born, but whose legacy is still felt today giants like Webster, Clay, and Calhoun.

It includes Senators such as Margaret Chase Smith, who had the courage to take on the red-baiting and bullying Senator Joe McCarthy in 1954 in her famous ''Appeal to Conscience'' speech not far from where I stand now.

The list includes two Senators who first inspired me to pursue a life in public service John and Robert Kennedy and it includes their brother and my friend, Senator EDWARD KENNEDY, one of the finest, most capable Senators America has ever produced.

The list also includes earlier Senate leaders—men such as Lyndon Johnson, the ''master of the Senate;'' Mike Mansfield, one of my personal heroes, who showed that progress and bipartisanship are not mutually exclusive; and Howard Baker, a master of the art of principled compromise.

The list of those who have inspired me includes George Mitchell and Bob Dole, the two leaders who taught me the most about this job.

It includes my fellow South Dakotan, George McGovern; Mark Hatfield, who offered to resign from the Senate rather than cast a vote he could not square with his own conscience; and Jim Jeffords, who showed the world that one person can change history. It also includes Paul Wellstone, the soul of the Senate; ROBERT BYRD, as eloquent and determined defender of our Constitution as has ever lived; and many others.

Today, I would like to say a few words about eight additional Senators with whom I have served these last historic 6 years, all of whom will be leaving when this Congress ends.

Senator NICKELS, Senator CAMPBELL, Senator FITZGERALD, and Senator MILLER, it has been a privilege to work with each of you. You have each sacrificed much to serve our Nation and I am sure you will continue to serve America well in the years to come.

Six Democratic Senators are leaving at the end of this Congress. Among them is our friend, the senior Senator from Louisiana.

JOHN BREAUX

I was joking with another friend recently that the good thing about JOHN BREAUX retiring is that maybe now he will finally be able to loosen up a little.

JOHN's ability to make us laugh even in tough times is a gift we have all treasured. Another gift of JOHN's is his ability to find workable compromises on even the most difficult issues. He really is a master of the art of the compromise.

A couple of years ago, I read a newspaper article in which JOHN talked about what he might do if he ever left the Senate. He pointed out that Huey Long had actually served as Louisiana's Senator and Governor at the same time. I thought when I heard that that maybe John would never leave the Senate; he would just diversify. Regrettably, he is leaving now.

I know that serving as Ambassador to France has always been high on JOHN's list of post-Senate dream jobs. I understand that a few years back, JOHN asked President Clinton, ''Do you think I could handle France?'' to which President Clinton replied, ''The question is whether France could handle you.''

Whatever JOHN BREAUX decides to do next, I have no doubt that he will continue to find ways to serve the people of Louisiana and America. And I know he will have a heck of a good time in the process. JOHN and Lois are special members of our Senate family, and we wish them all the best in the future.

JOHN EDWARDS

We also say goodbye to JOHN EDWARDS.

I think it is probably no coincidence that JOHN EDWARDS holds Sam Ervin's old seat in the Senate. Like Sam Ervin, John has a brilliant legal mind and a deep love of justice.

In 2001, the first bill Democrats brought to the floor after we retook the majority was the Patients' Bill of Rights. I couldn't believe my luck: My first bill as majority leader—the Patients Bill of Rights and I was able to tap as floor leaders TED KENNEDY and JOHN EDWARDS. It was like looking down the bench and seeing Babe Ruth and Willie Mays. You just knew the Patients' Bill of Rights was finally going to pass the Senate. And it did—in large part because of JOHN EDWARDS' remarkable skill and deep personal commitment.

I think one of the great lines in American literature is the line near the end of ''Death of a Salesman'' where Willie Loman's wife Linda says her husband wasn't famous or powerful, but he was a good man to whom respect must be paid. That same conviction is what has motivated JOHN EDWARDS' whole life: The belief that there is dignity and worth in every person, including people who work hard every day in mills, and factories, and farms.

In his race for the Democratic Presidential nomination and with JOHN KERRY as our party's Vice Presidential nominee, JOHN EDWARDS brought a sense of hope and optimism to millions and millions of Americans.

JOHN and Elizabeth Edwards both won places in our hearts immediately, and our hearts and prayers are with them and their wonderful children today as Elizabeth continues her recovery from breast cancer. We look forward to spending many more happy years with them. We also look forward to the good work we know they will do for our Nation in the years ahead.

BOB GRAHAM

The best way I found to stay in touch with the people who elected me was to drive through every county in South Dakota every year and just talk to whomever I ran into about whatever was on their mind. BOB GRAHAM found an equally effective way of staying in touch with average Floridians. He calls them workdays. He would spend a day working in another job.

This year, he worked his 400th workday. He spent that day the same way he spent his first workday 30 years ago: as a teacher. That is appropriate because, in fact, BOB's entire career has been a living lesson in public service.

A while back, I was looking over the list of BOB's workday jobs and I have to tell you, I am amazed! Think about all the things he has done: NASA payload specialist, firefighter, bagel maker, bullet-proof vest maker, pea picker, phosphate miner, Air Force Special Operations gunner, circus worker elf!

Clearly, it wasn't lack of other career options that has kept BOB in the Senate for 18 years. What is kept him here is simple. It is his love of Florida, and of this country. It is a sense of responsibility that he inherited from his father and that has animated his whole life.

BOB GRAHAM is a moderate with a capital M. And he is one of the nicest people you could ever meet. But when it comes to the people of Florida, when it comes to doing right by America, strengthening America's economy, creating good jobs, investing in children, and standing up for America's veterans and military families, BOB GRAHAM is a fierce fighter. And when it comes to protecting our Nation from terrorism, he is a heavyweight fighter. America is safer today because of his courage and tenacity.

I suspect the only people who could possibly be sadder about BOB's retirement than the members of our caucus are the people who make those Florida ties! We wish BOB and Adele the very best of luck in all their future endeavors.

ERNEST HOLLINGS

Another remarkable Senator who is retiring this year is FRITZ HOLLINGS.

I used to joke with FRITZ HOLLINGS that he is the real reason CSPAN first started its closed-caption broadcasts. FRITZ's deep Charleston accent, like the man himself, is an American classic.

When you look inside FRITZ HOLLINGS' desk on the Senate floor, you see the names of giants: John Calhoun, Huey Long, Russell Long, Wayne Morse—courageous men who never hesitated to speak their minds. FRITZ has earned the right to stand with those legends.

He was 36 years old when he was elected Governor of South Carolina. As Governor, he wrote the book on governing in the New South. He raised teacher salaries, invested in education and training, and laid the foundation for South Carolina's economic transformation from an agrarian State to a high-tech, high-wage State.

One of the amazing things about FRITZ HOLLINGS is how often he has been able to see the future before others—not just on matters of race, but on issue after issue.

He was the first Deep South Governor to acknowledge the existence of widespread hunger in his State. He was also the first southern Governor to understand that you can't create a modern economy simply by cutting taxes, you have to invest in education and training.

He has been a relentless advocate of balanced budgets and fiscal discipline since long before they became political buzzwords. In 1984—years before Ross Perot uttered the words FRITZ HOLLINGS made deficit reduction a central plank in his Presidential bid.

He has been fighting for fair trade, and against the export of American jobs, his entire career. He has been calling for a long-term, comprehensive energy plan since before the first OPEC oil crisis in 1973. He wrote America's first fuel-efficiency standards—in 1975.

He was in the forefront of the movement to protect America's oceans in the early 1970s. He saw the future of telecommunications before a lot of Americans knew what ''surfing the Internet'' meant. He was pushing for increased port and air security before September 11.

If some people have occasionally found FRITZ a little difficult to understand, I suspect it was not so much because of his wonderful Charleston accent but because he was so often ahead of his time.

Now FRITZ and Peatsy are moving home to live full time in their beloved South Carolina, but they will always have a special place in the Senate family. We wish them the very best.

I have to be honest, Mr. President, it was not my wish to depart with these fine Senators. But it has been my honor and a joy to serve with them, and one that I will remember all the days of my life.

The PRESIDING OFFICER. The Senator from Ohio.

HONORING OUR ARMED FORCES

STAFF SERGEANT CHARLES ''CHUCK'' KISER

Mr. DEWINE. Mr. President, over a week ago we celebrated Veterans Day. In countless parades, ceremonies, and prayer services, Americans honored and remembered the service and sacrifices of all of those who have answered the call of duty. In the days that have followed, I continue to be reminded of something President Ronald Reagan said more than 20 years ago, something he said about the brave service men and women who did not return from the field of battle. This is what he said:

> Their lives remind us that freedom is not bought cheaply. It has a cost; it imposes a burden. And just as they whom we commemorate were willing to sacrifice, so, too must we—in a less final, less heroic way—be willing to give of ourselves.

That is an important lesson, our willingness to repay the debts we who are left behind owe our fallen soldiers, this notion of giving of ourselves. It is a lesson the students of McNicholas High School in Cincinnati have taken to heart.

On June 24, 2004, 37-year-old Army SSgt Charles ''Chuck'' Kiser, an Ohio native and former McNicholas High graduate, lost his life in Iraq while saving the lives of his comrades.

The current students at McNicholas wanted to honor and remember Chuck Kiser this year on Veterans Day, so they went about raising enough money to hold a ceremony and fly Chuck's wife Deb and their two children, Alicia and Mark, from Wisconsin to Ohio, for the services. In their own way, these students gave of themselves. They reached out to the Kiser family and said we will not forget your husband. We will not forget your father. We will not forget him either.

Chuck Kiser was a loving husband, doting father, and courageous soldier. He grew up in Amelia, OH, in a home with his father Charles and six women—mother Glenda and sisters Chris, Denise, Patty, Teresa, and Joy. Some say that living with all those women is what toughened him up and made him into such an outstanding soldier. I imagine that is very true.

Their father passed away in 2002. Chuck and his dad were very close. Chuck followed in his dad's footsteps when he entered the military. The elder Charles had served in the Navy and was a Korean War veteran. Chuck's brother-in-law, Bill Grannen, said that ''[Chuck's] father instilled that kind of love of country and commitment in him. I'm sure they're together now.''

Chuck was a runner—and a good one, at that. He began his track career in the third grade at St. Bernadette School and continued running through college. At McNicholas High School and at the University of Cincinnati, he was a champion sprinter. As a high school senior, he finished in second place in the 200-meter run at the state Class AA meet. In fact, he also holds the University of Cincinnati records for the 300 meter and the 300 yard dash indoors. His former coach, Brett Schnier remembered Chuck as his top recruit and that ''he could run about anything.''

After a year at the University, Chuck decided to join the Navy, where he would eventually meet and marry the love of his life, Deb. Chuck spent seven years in active duty in the Navy, stationed mostly in Italy. It was there that he met Deb, and they fell in love. They started a family while Chuck continued his military service.

Following his time in the Navy, he spent seven years in the Naval Reserves. Later, he entered the Army Reserve because the base was near their eventual home in Cleveland, WI.

Not only was Chuck Kiser a model soldier, he was a model father. He loved his children dearly. He was a great dad. He took joy in coaching Mark and Alicia in various sports. Last year, Chuck coached a Little League championship team and would often volunteer to work with youth at the Zion United Church of Christ in Sheboygan.

Chuck Kiser loved all kids and felt especially strong about helping the children in Iraq. According to his brother-in-law:

> Charles really felt like he wanted to secure their freedoms so they could live without the fear they lived under during the dictatorship. He said that if the situation were reversed, he would hope people would come to liberate his children. He believed that in his heart.

That is why Chuck never hesitated when he and the rest of his Army Reserve unit—the 330th Military Police Detachment—were deployed to Iraq earlier this year. He wanted to defend our Nation, and he wanted the Iraqi people to have the same freedoms he and his family enjoyed. Chuck was proud to be serving his country. He was proud to help the Iraqi people in whatever way he could.

Staff Sergeant Kiser lost his life helping the Iraqi people and saving the lives of his Comrades. He was on guard duty in Mosul, Iraq when insurgents began firing from a truck loaded with explosives. Chuck returned fire, but was killed when the truck crashed and exploded. Army Major Mark Magalski noted that Chuck saved countless lives in his final act of bravery.

Upon Chuck's death, hundreds in his hometown of Amelia gathered to show their support for the Kiser family. At the Clermont County courthouse, signs hung that read, ''God Bless Chuck and the Kiser Family.'' Flags were placed in yards and the community came out to help the Kisers in any way they could.

I had the privilege of meeting Chuck's family at the memorial service held in his honor, and I want to thank them for sharing their memories with me. The service was fitting for a man

so full of life. The family requested that the service be a celebration of Chuck's life rather than a time of mourning. As patriotic music played, thousands paid tribute to this American hero. The service was a testament to the love his community had for this brave man—and a testament to the number of lives he touched.

Staff Sergeant Charles Kiser was a good, decent, loving man, who protected our Nation bravely. We will remember him always. I yield the floor.

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

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

ASSESSING THE LAST TWO YEARS

Mr. MCCONNELL. Mr. President, as we near the completion of the 108th Congress, it is an appropriate time to look back over the last 2 years and assess where we are. I think by any standard these have been 2 years marked by great achievement.

We have kept Americans safe at home, strengthened our economy, and vigorously pursued the war on terror. I would like to take a look back, as I indicated, at the legislative accomplishments of the 108th Congress.

Last year the Senate passed 11 appropriations bills left over from the previous Congress, and then pushed through all the normal 13 appropriation bills as well as the emergency wartime and Iraq reconstruction supplemental appropriations bill. We responded with the necessary funds to suppress the California fires through a supplemental appropriations. In all, the Senate passed 27 appropriations bills into law last year in the first session alone.

The Senate also pushed through the economic growth package, cutting taxes on American families by $350 billion, as well as a revolutionary new Medicare prescription drug bill for all of our seniors. The Senate banned the horrific practice of partial-birth abortion. We passed the Do Not Call registry at the Federal Trade Commission. We provided tax relief to military families. We passed the Healthy Forests Act, to stop the catastrophic wildfires that have raged across our country. We enacted free trade agreements with Chile and with Singapore, and passed the African Growth and Opportunity Act.

The Senate passed the Federal Aviation Administration reauthorization to revitalize an air transport industry suffering from the effects of the terrorist attack of 9/11.

After witnessing more than a decade of repression, the Senate passed the Burmese Freedom and Democracy Act.

We secured significant resources to improve our nation's election systems, making it easier to vote and harder to cheat.

We passed the President's faith-based initiative, funded the effort to eradicate the scourge of global AIDs, and acted to guard our children against abduction and exploitation by passing the PROTECT Act.

We expanded NATO to include most of the former Warsaw Pact Countries and passed a significant arms reduction treaty with our enemy-turned-ally, Russia.

We took steps to bridge the digital divide by providing needed funds to historically black colleges, awarded a Congressional Gold Medal to UK Prime Minister Tony Blair, and affirmed the constitutionality of using the term ''under God'' in the Pledge of Allegiance.

And that was last year. This year, in the second session of this Congress, we passed into law a pension relief and stabilization plan for private sector businesses, workers, and their retirees.

We passed into law a bioshield act to improve countermeasures, like vaccines, to protect our people from biological, chemical or other terrorist attacks.

We passed into law the Unborn Victims of Violence Act.

We passed into law a Defense appropriations bill, the Defense Authorization bill, a Homeland Security appropriations bill, and a Military Construction appropriations bill.

We passed a supplemental funding bill for operations in Iraq.

And we are about to complete work on the nine remaining appropriations bills which successfully concludes action on all Fiscal Year 2005 spending bills.

We have expanded trade opportunities with new free trade agreements with Australia and Morocco.

We have also passed expanded assistance to families with the Working Family Tax Relief Act.

We passed the Internet tax bill to prevent the imposition of capricious taxes on internet transactions.

We expanded the educational opportunities for disabled children by passing an improved IDEA reauthorization.

Also, we responded to the findings of the 9/11 Commission by implementing reforms in the Senate and are still considering as we finish this session intelligence reorganization measures which are in conference now and being discussed on both sides of the aisle.

Last, we passed legislation to revise our tax laws to comply with international trade agreements and, thus, will remove the European tax on U.S. manufacturers. Of particular interest to the Senator from the Commonwealth of Kentucky, that measure included a buyout to aid our long-suffering tobacco growers, many of which reside in my State.

These are the legislative accomplishments of a very productive Congress, of which we can be justifiably proud. I want to salute the effort of my colleagues who made it so, especially the members of my deputy whip team: LAMAR ALEXANDER, WAYNE ALLARD, CONRAD BURNS, BEN CAMPBELL, JOHN CORNYN, MIKE CRAPO, MIKE ENZI, LISA MURKOWSKI, GORDON SMITH, JOHN SUNUNU, JIM TALENT, and CRAIG THOMAS.

I can't thank them enough for all their hard work, their sound counsel and their tireless effort to help win so many close votes. I particularly want to thank my chief deputy whip, BOB BENNETT, my trusted adviser and dear friend for many years here in the Senate.

But one man deserves particular recognition. During these tough times of economic challenges and armed conflict, America has had to decisively confront some monumental questions.

Yet here, in the Senate, the majority had just a one vote margin—one vote.

But America steered a steady course during the 108th Congress only because this Senate was able to deliver a ''yes'' when ''yes'' was needed—yes to economic recovery, yes to funding the war on terrorism, yes to a Medicare prescription drug benefit,—a resounding ''yes'' to getting the business of America accomplished.

And here in the Senate, with the smallest of margins, on the toughest possible terrain, on the most pressing questions of our time, it was the tireless BILL FRIST who delivered that ''yes'' time and time again.

A truly remarkable performance by Senator FRIST. He has earned certainly my greatest respect and I think the respect of virtually everyone in this body. We are also proud to call him our good friend.

I also wish our good friend across the aisle, HARRY REID, great success as the new Democratic leader. He is a very able man, a very skillful legislator, and a worthy opponent. I and my colleagues look forward to working with him in the next Congress.

Finally, we cannot conclude the 108th Congress without a sense of sadness. There are many—in fact there are too many—great Senators who are leaving this institution. I have already had an opportunity to express my goodbyes to Senator NICKLES, Senator CAMPBELL, and Senator FITZGERALD.

I also wish a happy and healthy future to our colleagues across the aisle, Senator DASCHLE, Senator BREAUX, Senator HOLLINGS, Senator BOB GRAHAM, Senator JOHN EDWARDS, and Senator ZELL MILLER. Each of these men has made a lasting contribution to this marvelous institution.

In closing, I also remember the greatest public servant of my lifetime, President Ronald Reagan, who, after 93 luminous years, departed the Nation he never lost faith in and that loved him so well.

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

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

TRIBUTES TO RETIRING SENATORS

FRITZ HOLLINGS

Mr. STEVENS. Mr. President, I have served here long enough now that I have witnessed a lot of the comings and goings of many fine public servants whom I have known on the floor of the Senate.

Today, I would like to comment about those who are leaving us, and I want to start, first, with my good friend from South Carolina. FRITZ HOLLINGS and his wife Peatsy are very close friends of ours. They have been friends since we first came to the Senate. FRITZ and I served in World War II. We have traveled to places where he served and I served in World War II, and we are comrades in the deepest sense of that word.

He is a very interesting man. I remember earlier this year, when I was asked to cut a tape to be used at a retirement dinner for Senator HOLLINGS, I told my press secretary I did not think I could do it. As a matter of fact, I ended up appearing in person. As I told my staff, I really cannot conceive of the Senate without FRITZ HOLLINGS. It will be a different Senate. We have not always agreed, but we have always been friends.

There have been good times together. I can remember some of the fish that FRITZ and Peatsy caught in Alaska, and I can remember tales about some that they did not catch, the big ones that got away.

But I do know that having visited with them in their home in South Carolina, and visiting with their friends in Charleston, they have a really great life to go home to. They are wonderful people, and we are going to miss them a great deal.

I will say this, that when I first heard of Senator HOLLINGS, it was in a story about his role as Governor of South Carolina. He had become Governor, and as he entered the grounds of the Governor's house, he found there were places inside the grounds where prisoners were kept. There were literally, at that time, I think, cells that were partially underground. FRITZ did not like that any more than I would have, and he found ways to free those people and to give them another life. As a matter of fact, I remember meeting one of them who was very devoted to Senator HOLLINGS.

Senator HOLLINGS is a man with a great heart and a great mind and a great spirit and a temper almost as bad as mine. We are going to miss him, miss him terribly.

I hope he will come back often and visit us. I think he has the longest career of all of those who are retiring, obviously, because he is the oldest. But he was one of the Ten Outstanding Men of the Year in the United States when he was young. I don't like to tell stories about him, but I think he actually attended a Republican Convention at one time.

As a member of the statehouse, as Governor, and as a member of the Hoover Commission, he distinguished himself in many ways, in commissions where he was appointed by both President Eisenhower and President Kennedy.

We are losing a man who has had a great role in public service. I hope we will all wish him well as he departs the Senate.

DON NICKLES

Mr. President, another Senator who is leaving us is Senator DON NICKLES. Senator NICKLES is a man I first met when I was traveling through Oklahoma with my friend, Senator Bellmon. Senator Bellmon had served here as a Senator. He served as Governor of his State.

Senator NICKLES, obviously, is a man of great capability, too. As a matter of fact, he is the first Oklahoma Republican Senator to be elected for four terms. He has had a commitment to his constituents and to his colleagues. He, as I, served as assistant Republican leader. That is the highest leadership position ever held by a Member of the Senate from Oklahoma.

I particularly remember his role as chairman of the Budget Committee and his role in the Finance Committee because no one has been more strenuous in expressing his views concerning the level of spending in the United States and the necessity to have firm budget control over the processes of the Senate, particularly the appropriations process where I have served a great many years.

I do believe his commitment to making Federal Government more responsible and less intrusive, his commitment to the basic Republican principles that government nearest the people is best, has been demonstrated by his service in the Senate. We are going to have a tough time without his guidance. He, I am sure, will be somewhere near us—at least that is indicated.

But having met him even before he ran for the Senate, I felt really a great warmth of friendship for him because I know how hard he worked to become a Member of the Senate, and I know his commitment, having left his business and coming here to make a new life.

Linda and their four children have been known to all of us in one way or the other. I think he has a wonderful family, a wonderful wife, and we wish them well.

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

The PRESIDING OFFICER. The Senator from Alaska yields the floor and suggests the absence of a quorum.

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. Mr. President, parliamentary inquiry. I am going to give a speech on the floor regarding wellness and obesity. Is there a time constraint we are operating under now?

The PRESIDING OFFICER. There is a 10-minute time limit in effect now, but it has not been strictly enforced. The Senator may ask for more time.

WELLNESS AND OBESITY

Mr. HARKIN. Mr. President, as the 108th Congress comes to a close, many of us are looking back and asking whether we accomplished all that we might have. Now, of course, we are looking ahead to the next Congress for opportunities to move forward with some bipartisan agendas. What can we work on together to really do something good for our country?

The last year has been a challenging one. The campaign season always makes it a little more difficult to accomplish tasks that are already a challenge. It is not surprising, then, that many Members of this body look back on the 108th Congress with mixed feelings. I personally view it in which some important opportunities have been missed. But I also think some have been offset by what I detect as an emerging bipartisan concern and interest in some issues that have previously not received much attention.

In particular, I have been heartened by the degree of interest shown by my colleagues on both sides of the aisle on the issue related to obesity, health promotion and prevention of premature death and chronic disease.

This is very heartening that we see on both sides of the aisle strong interest in promoting wellness, in promoting disease prevention. As I have often said, we in America do not have a health care system; we have a sick care system. If you get sick, you get care, but there is precious little out there to keep you healthy in the first place. All the incentives are to patch you up, fix you, and mend you once you are ill. There are very few incentives to keep you healthy in the first place.

Now with all of the recent revelations on obesity and what that is doing to our society, more and more interest is being shown in what we can do as a Congress to change this paradigm, to change us from a sick care system to a truly health care wellness system in our country.

I am confident that in this area, we can make some historic progress, again, on a bipartisan basis in the new Congress that will convene in January.

I have been working for a long time in this area, but I am not the only one who appreciates the urgency of these issues. For example, the distinguished majority leader, Senator FRIST, has shown a keen interest in finding ways

to fight obesity, and he has taken some leadership positions on this, as has the Senator from New Mexico, Mr. BINGAMAN, who is my colleague on the Health, Education, Labor, and Pensions Committee. In fact, Senators FRIST and BINGAMAN teamed up to pass the Impact bill in the Senate and, if enacted, that bill will be a very positive step forward in the fight against obesity.

Our colleague from Indiana, Senator LUGAR, who has always been a well and very active and fit person himself as a devoted jogger, has also introduced a health promotion bill. It would establish the prevention of chronic disease as a major priority for the Federal Government. Our colleagues Senator WYDEN, Senator DODD, Senator CORNYN, and Senator KENNEDY have all been very active on the issues of wellness and obesity prevention.

My aim right now is not to provide an exhaustive list of Senators who are active in this area but to show there is a broad bipartisan interest in the Senate on wellness, health promotion, disease prevention, a health care paradigm.

We have made some progress this year, but given the scope of the obesity epidemic, given the spiraling cost of chronic disease, we need to act more robustly, more aggressively in the coming Congress. We currently spend in excess of $1.8 trillion a year on health care in the United States. Fully 75 percent of that total is accounted for by chronic diseases, including heart disease, cancer, diabetes, and depression.

What these diseases all have in common is that in so many cases, they are preventable. In the United States, we fail to make an upfront investment in prevention. So what do we do? We spend hundreds of billions of dollars on treatment and disability, hospitalization that, in many cases, could have been avoided.

Again, as we look globally, we Americans take a great deal of pride in our system. We have the best hospitals. I also tend to think we have the best doctors. We certainly excel the rest of the world in biomedical research through the National Institutes of Health and disease prevention through the Centers for Disease Control and Prevention, which is the premier body in the world in terms of disease control. In fact, other countries look to our own CDC for guidance and direction in that area. If you want to get a heart transplant, a hip transplant, or a lung transplant, you come to America. Or if you want to get cancer treatment, you come to America. People come from all over. Kings, princes, heads of state, the wealthy, and the well-to-do all around the world come here to get treatment.

I would say if we are keeping a scorecard or report card in terms of treatment, we get an A. In terms of prevention and health care and keeping people healthy, I would say we are down around a D minus, close to an F. This is what has to be changed.

We can take great pride in how we treat, cure, fix, mend, and replace parts. Those are great technological advancements. As I said, in so many of those cases, they are preventable, if only we will invest a little bit upfront.

The way we do things in this country is not only foolish, it is financially unsustainable. We cannot continue down the path on which we have been going for the last 30 to 50 years. We need this new paradigm in American health care, a prevention paradigm, a genuine health care system that concentrates, focuses resources on wellness and prevention.

Health care costs are out of control. Health insurance premiums are skyrocketing. More and more people in America are not covered with health insurance, and we have a raft of new studies documenting the obesity epidemic and consequences of our failure to emphasize wellness and prevention.

I have some charts. Caution: Public health crisis ahead. People a lot of times say, what business is it of the Government? Do we want a nanny Government to take care of everybody? No. Shouldn't people be in charge of their own wellness? Yes. But when it becomes a public health crisis, when it is not just me or you, but it is all of us, and when it means our tax dollars are going to take care of people with chronic diseases—75 percent of the costs of illnesses in America are due to chronic illnesses, most of which are preventable. So it is not just you smoking and not exercising and having a bad diet, it is the fact that you are going to consume health care dollars, and we are going to have to pay for it—all of us.

It is a public health care crisis. Two-thirds of Americans are overweight. Thirty percent of our kids are overweight. That is a public health care crisis.

I would like to cite several of the major caution signs that have flashed this year to remind us of the sense of urgency, and the reason I am taking the time on the Senate floor today, perhaps our last day of the year, is because it is urgent. As I said, I sense a willingness to work across the aisle, a bipartisan effort to do something about this. I remind people of the sense of urgency we have.

In March, a Centers for Disease Control and Prevention study determined that poor diet and lack of physical activity are now the second leading cause of death in the United States, leading to over 400,000 deaths annually. This study warned that poor nutrition and physical inactivity would soon overtake smoking as the leading preventable cause of death in America.

And by the way, if anyone had any lingering doubts about the dangers and destructive forces we are up against, yesterday, Hardee's, the fast food restaurant chain, unveiled its newest offering. And do you know what it is called? The Monster Thickburger; just what we need—the Monster Thickburger.

This new product apparently is designed to make a Big Mac look like an hors d'oeuvre, a snack. The Monster Thickburger consists—are you ready for this?—of two one-third pound slabs of hamburger, four strips of bacon, three slices of American cheese, and mayonnaise, all served on a buttered sesame seed bun. Wow, can't wait to sink my teeth into that one. Well, this death-defying sandwich clocks in at 1,420 calories and contains a whopping 107 grams of fat.

Again, does anybody have any doubt on where we are headed? A couple of those every week, and one will be in our sick care system pretty soon, too.

Also in March, the Food and Drug Administration released its report called ''Counting Calories,'' which offered a blueprint for confronting the obesity epidemic. Among other things, the FDA recommended increasing the amount of information available to consumers through food labeling. It called for enhanced Federal Trade Commission authority to police false or misleading product claims. It recommended that the Federal Trade Commission take steps to improve nutritional information available to consumers at restaurants, increase the information available to consumers through food labeling and nutritional information at restaurants.

Now, some restaurants do that, I have to admit. If one looks at the menu, it tells them how many grams of fat, how many grams of transfat, how many calories, carbohydrates, perhaps, salt, sodium. So one can be a little bit more informed about what they eat. We do that in the Senate servery. We can go through and see how many grams of fat is in everything.

I have been told by those who run our servery that since we started that about 3 months ago, one would be amazed at how many more people are picking up salads, how many more people are picking up the skinless chicken or turkey and things like that, taking skim milk instead of whole milk. It is information. But if one does not have the information, how do they know? So I am just saying that the Food and Drug Administration recommended increasing this information available to consumers.

In April, after years of careful analysis, the World Health Organization recognized the growing problem of obesity. They issued their global strategy on diet, physical activity, and health. It urged governments to review the role of food advertising and marketing, particularly with regard to children. It encouraged schools to implement policies that support children in adopting healthful diets and engaging in physical activity. The WHO report expressly stated that the role of government is crucial in achieving lasting change in public health.

Now, I will address this a little bit further. It urged governments to review the role of food advertising and marketing, particularly with regard to children. It encouraged schools to implement policies that support kids in healthful diets and physical activity. Eighty percent of elementary school kids in America today get less than 1 hour of physical activity a week.

Now I will bet that the occupant of the chair, the Senator from Missouri, and I, the Senator from Iowa, when we grew up, we had PE in small schools. I went to a two-room schoolhouse. We had 15 minutes of recess in the morning, we had 45 minutes at lunch, and we had 15 minutes in the afternoon. We had to go outside. The only time we did not have to go outside is when it was like 20 below. It had to be 20 below in the wintertime and then we could stay in, but other than that we had to get out and run around. And it was not competitive sports.

We have gotten off the track. If one is not involved in the high school football team, the basketball team, the soccer team, wrestling, whatever, swimming, they do not get anything. Every kid needs physical exercise and physical activity. We have seen some schools—there are some great schools out there—that ensure that every child, kids with disabilities, get physical exercise and physical activity, if not on a daily basis, two or three times a week. But we have now found elementary schools being built in America without even a playground, no indoor gym, no playground. So there is a role for government in ensuring that schools teach and have access to physical activity for kids.

So, again, the role of government in many ways is to support, not as a nanny but basically to set up systems so that people will be healthy starting early in life. We know what kids learn early is what they carry through, and with the obesity epidemic now among kids in America, with their lack of physical activity, it bodes ill for the future of our country.

We have also seen a number of new reports on the costs of obesity and chronic disease. One study by health economist Ken Thorpe in the Journal of Health Affairs determined that in the year 2000 we spent $200 billion more on the treatment of disease and chronic conditions than we did just 13 years ago.

Five conditions accounted for one-third of the $200 billion increase: heart disease, pulmonary conditions, mental disorders, cancer, and hypertension. All of them are preventable. Even more startling, some 27 percent of the rise in health care spending between 1987 and 2001 is attributed to the costs of treating obese patients. Twenty-seven percent of the rise is attributed just to treating obese patients. Five conditions, one-third of the $200 billion increase, all of that preventable. Want to save money? Want to save the impact on our budgets? Want to help families in terms of keeping their taxes down? This is the way to do it. We have to have better prevention.

Perhaps most compelling, we have also seen fresh evidence again that we are failing to teach our children about the importance of a healthy lifestyle. Perhaps most compelling of all is that the National Institute for Health Care Management Research and Educational Foundation found that only 16 percent of kindergarten programs meet the daily recommendations for physical activity by the Centers for Disease Control.

The Institute of Medicine of the National Academy of Sciences issued a major report just last month, October. The report was on preventing childhood obesity, a clarion call to action, urging a comprehensive national response to the childhood obesity epidemic where they focus on wellness and prevention. It sets forth the blueprint for a multifaceted national campaign against childhood obesity. This was just last month.

The Institute of Medicine of the National Academy of Sciences, the preeminent scientific medical body in this country, just last month, issued this warning.

So we need to act. We cannot twiddle our thumbs any longer. We cannot say, well, that is just the way things are. We cannot just say, well, it is free enterprise, and if someone wants to sell a monster thick burger and people want to eat it, let them. I am not saying Hardee's cannot put out a monster thick burger. They can do it. But I want to make sure that everyone who goes there and eats one of those has information to tell him or her how many calories, how many grams of fat, and what it means to them if they eat that. We need to start teaching our kids how to eat right. Experts are saying that this generation of kids growing up today, if we do not change rapidly, may be the first generation to live a shorter lifespan than their parents. Think about that. Our kids will have a shorter lifespan than what we have, the first time ever in history.

So we have had warnings from everywhere. The Centers for Disease Control, Health and Human Services, Food and Drug Administration, Federal Trade Commission, National Institutes of Health, National Academy of Sciences, Institute of Medicine, World Health Organization—on and on and on. Every single one of them urges that we use the power of the government to promote healthier lifestyles. Yet Congress has, thus far, failed to take any comprehensive action.

(Mrs. DOLE assumed the chair.)

Mr. HARKIN. The Institute of Medicine report on childhood obesity offers us a comprehensive approach to fighting obesity. It doesn't say that fighting obesity is the responsibility of government alone, or just one sector of society. It calls on all sectors of society to play a role in fighting obesity. In fact, the Institute of Medicine blueprint bears striking similarities to the approach called for in a bill that I introduced earlier this year, the Healthy Lifestyles Prevention Act, known as the Help America Act of 2004.

As you can see from this report, the Institute of Medicine's recommendations mirror my bill in a number of ways. Over here is what the Institute of Medicine recommended to support nutrition and physical activity grant programs. That is in our bill. Nutrition labeling for restaurant foods, that is in our bill. The Federal Trade Commission should have authority to monitor food marketing—how it is marketed to kids. That is in our bill.

Let me digress for a moment on this marketing to kids. We now have counting books for kids who are just learning to count, 3 years old, 5-year-olds—a simple counting book, learning your 1–2–3–4s and 5s. Do you know what they are? They are called M&M counting books. You count by learning how many M&Ms there are.

I saw an Oreo cookie counting book. You count by how many Oreo cookies there are. So what happens? That will have little kids associate learning, associate getting better and progressing, with eating Oreo cookies or M&Ms, and thus begins a lifestyle and a habit pattern at a very early age. I found that hard to believe when I saw it, that these companies would actually go that far, to put in unhealthy food. I like an Oreo cookie as much as anyone else, don't get me wrong. You take them apart and eat the inside, you know how to do that. I love Oreo cookies. But let's be honest about it, it is maybe a little treat you have later on sometime, but to start getting kids in their counting books to count according to how many Oreo cookies there are, I am sorry, that sends the wrong message.

The Institute of Medicine recommended that community and child and youth-centered organizations promote healthful eating and physical activity. That is in our bill, too. Help get the YMCAs all over America focused on wellness, and I am happy to report the YMCA is in the forefront of this battle, and I am proud of them. They are in the forefront of this fight against childhood obesity and for wellness.

Improving streets and sidewalks to encourage walking and biking. Imagine the Institute of Medicine recommending that we build sidewalks.

There are housing developments being built in America today that don't even have a sidewalk. You want your kids to walk to school or to ride a bike? I happen to have a house out in rural Virginia. My wife and I have lived there for a number of years, since I have been privileged to serve in the Congress. So my kids, when they were growing up, went to a public high school in Fairfax County. It was a good school a mile from our house. A mile, that is a great walk for my kids to go to school, high school, but there is only one problem. There is no sidewalk, on a

busy street. I wouldn't even let them ride a bike down there. You are not going to ride a bike down that street. There are no sidewalks.

Again, every highway bill we pass here, every highway bill in which we take dollars out of the road use fund, the gas tax, and put it out to States for building highways and streets, ought to have provisions in it that you have to build sidewalks or you have to build walking paths. I am told in Europe today you cannot build a bridge unless it has a walking path, bike path, adjoining the bridge across the river or thoroughfare or wherever you build it. We ought to be doing that in America. If people want to ride bikes or walk, they can't get across the bridge. So that is in our bill, too.

Insurers should include screening and obesity preventive services in routine clinical practice. It is in our bill, but how many insurers do that? How many provide that you can go in and have screening, counseling, and you can have preventive services under your insurance premium, under your insurance program? I can count the number on two hands, probably—maybe one.

Schools should draw up nutritional standards for competitive foods in schools—competitive foods. I did see one school in Iowa this year in which they had set up their competitive foods. Competitive foods is a fancy name for snacks or vending machines, that kind of stuff. I saw one school in Iowa that took all that stuff out and only had healthful snacks, 100-percent juice drinks, granola bars, different kinds of fruits, things like that. That is the way we ought to be going.

Develop school policies to create schools that are advertising free—get advertising out of our schools. If you walk down the hallway, there is a big Pepsi machine, a big Coke machine. If you walk around the corner, there is your competitive foods, advertising all the candy bars and soft drinks and everything else. Why should we allow advertising in our public schools? I could never figure that one out.

Why don't we advertise here in the Senate? I have an idea, we will put up a sign: A Hardee's steakburger right here. Sell some wall space here. I'll bet it would be priceless. These cameras would pick it up every day. If we don't have advertising in the Capitol, why do we have it in the schools? Why do we bombard our kids every day with advertising for unhealthy habits?

I didn't mean to go through all of these. Those are some of them. But this is what the Institute of Medicine is saying that we ought to do.

I mentioned the bill I introduced, the Help America Act. I am going to reintroduce it next year. We spent many months working on this, on a comprehensive approach. You just can't address the obesity problem, the increase in chronic illnesses in America by just focusing on what we do or what you do in a school. It has to be comprehensive. It has to start from the earliest time of our lives, in daycare centers, kindergarten, elementary schools. So it has to be home-based so we get more information to our families. It has to be school-based from kindergarten right on through high school and college. It has to be workplace-based so that people on their jobsites can have physical activity and wellness support. It has to be governmentally based so that we do not build housing developments without sidewalks or bridges without walking paths or bike paths; that we build more walking trails in our country.

It has to be Government based and making sure that we have Federal Trade Commission monitoring truth in advertising. It has to be community based. Communities have to pull together with their local YMCAs and others to have wellness programs for the entire community.

One of the great things popping up all over America today is mall-walking programs for the elderly, especially in my part of the country. In the wintertime, it is hard for the elderly to get out and malls have set up walking programs where elderly people will meet. They can walk and they have distance markers. They go around the mall, half a mile, three-quarters, 1 mile. They have a little place where they can stop and have water or coffee or tea or whatever they want. You would be amazed at how many of our elderly are now doing these mall-walking programs. By the way, it is not bad for the mall either. Sometimes they stop and shop, too.

These are the kinds of things we have to do on a community basis, workplace basis, a community basis to help promote a healthier lifestyle in America.

I could go on and on about the Institute of Medicine, what they recommended. The point is, we do have an authoritative blueprint for action. We have a bill that reflects that blueprint. The bill we introduced earlier this year, we will introduce again next year.

So the ball is really now in our court. I intend to reintroduce the HELP America Act in the 109th Congress.

We need a serious, ambitious probusiness, bipartisan effort to build on the steps we took this year. There is no question in my mind that the HELP America Act is a bill whose time has come to tackle some of the biggest health challenges of our day, in particular the obesity epidemic.

We have had report after report and warning after warning on the national level. But we have responded in only an incremental and piecemeal fashion. It is as though we were in the midst of a five-alarm fire but we stubbornly keep the hook and ladder engine in the firehouse relying instead on the garden hose to fight the fire. This is unacceptable.

When we reconvene in January, we need to come together on a bipartisan basis to address the obesity epidemic, to stress wellness and prevention in all aspects of our society. My goal is that the new 109th Congress will be remembered as the Congress that replaced America's sick care system with a genuine health care system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

THE EMMETT TILL CASE

Mr. TALENT. Madam President, I rise today to talk briefly about a resolution Senator SCHUMER and I have cosponsored in the Senate which we introduced yesterday. It is about the Till case.

I want to summarize for you the Emmett Till case. I don't normally read things on the Senate floor, but, in reviewing the notes from our office for the press conference that we had the other day, I really could not find a better statement for the background of this case than the notes. So I am going to read just a couple of paragraphs.

It is a story that I will preface by saying it has to shame every American. It is a hard story to listen to—a story from a time that thankfully was a very different time in this country but a story that has reached across the 50 years since it happened and is calling for action now.

In August 1955, Emmett Till, a 14-year-old African American was visiting family in Money, MS, from Chicago and allegedly whistled at Carolyn Bryant, a white woman. On August 28, Roy Bryant, Carolyn's husband, and his half brother, J.W. Milam, kidnapped Emmett from his uncle, Moses Wright's, home. They beat him, dragged him to banks of the Tallahatchie River and shot him in the head. Bryant and Milam then fastened a large metal cotton ginning fan and dumped his body into the river. Three days later, Emmett's body was pulled from the river and returned to his mother, Mamie Till, in Chicago. Mamie Till made a very courageous decision at that point. She decided to leave his casket open for 4 days to show the public what had happened to her son.

Tens of thousands of people paid their respects in person and the press published photos of Emmett's mutilated corpse around the world. In September 1955, Roy Bryant and J.W. Milam stood trial for Till's murder in Mississippi. An all white, male jury acquitted both men, after several women and African Americans were barred from serving on the jury; they reached their verdict after only 67 minutes of deliberation. Emmett's uncle Moses Wright, and another resident of the town, Willie Reed, both testified in court. As a result they were forced to flee to Chicago because their lives were in danger following their testimony. Worldwide, there was tremendous outrage at the murder and subsequent acquittal. In November, Wright and Reed returned to Mississippi and testified before a grand jury investigating the pending kidnapping charges against Bryant and Milam. But the grand jury refused to indict those men.

On January 24, 1956, Look magazine published an article in which both Bryant and Milam described the murder in detail. They received $4000 to tell their story. Look published a subsequent article, where Milam stated that he did not regret the killing.

Both Roy Bryant and J.W. Milam lived the rest of their lives as free men and died of natural causes; Milam died in 1980 and Bryant in 1990. Mamie Till died in January 2003. Keith A. Beachamp—a documentary film maker from Fort. Greene, Brooklyn—found new evidence about the case, including never-before-heard eyewitness accounts, while making his documentary which will air soon, ''The Untold Story of Emmett Louis Till.'' The witnesses claim that there were several other people involved in the murder plot and that some of these individuals are still alive.

Mamie Till lived in Chicago until she died in January of 2003. She was rather close to Congressman BOBBY RUSH who was a colleague of mine when I served in the House. When Congressman RUSH found out about this documentary, he introduced a resolution calling for the Justice Department to reopen this case and determine whether it was still possible to prosecute some of these other individuals who, according to Mr. Beachamp, were indeed involved in this crime. Since these other individuals were never tried, much less acquitted, it would still be constitutionally possible to prosecute them, especially in the Federal court, because there had never, unfortunately, been Federal actions or Federal indictments brought against any of these individuals who were involved.

Senator SCHUMER was considering filing a companion resolution in the Senate earlier this year. He approached me to see if I wanted to cosponsor it with him. I was very interested in doing that. We both had contacted the Justice Department before we were able to sponsor that resolution. I am pleased to say the Justice Department did reopen the case, that was in May, and the Justice Department has been investigating ever since.

This week Congressman RUSH, Congressman CHARLIE RANGEL, Senator SCHUMER, and I have sponsored in the House and in the Senate a new resolution calling on the Justice Department to devote whatever resources are necessary to investigate this matter expeditiously and report back to the Congress and to do justice after 50 years.

I am sorry to say—I am ashamed to say—that Mamie Till tried over and over again for almost 50 years to get the Federal Government to do something, which she was unable to do so, particularly in the 1950s when this evidence was fresh, when a Federal charge could have been brought without violating the constitutional rule against double jeopardy, but it was not brought. For that, the Federal Government has to accept responsibility.

We do not know what an expeditious and complete investigation will reveal. I suppose it is possible either other people were not involved in this or that a case cannot be made against them at this late date. What we do know is that any remaining witnesses, people who might have been coconspirators in this terrible tragic crime, are getting older. If a case is to be made, it must be made soon because witnesses may die, evidence may become even more stale and unusable.

Justice needs to be done for a lot of reasons, in part because, as Congressman RANGEL says, you have to confront these kinds of crimes, these kinds of tragedies, these wrongs if you are ever to get past them, in part because there may be murderers at large who need to be brought to justice, in part because it is only through the courage of Mamie Till and the courage of Moses Wright who, in 1955, followed their convictions and protested publicly about this. It took enormous courage for that mother to keep that casket open so the world could see what happened. It took enormous courage for Moses Wright to walk into that courtroom and testify against these white men, but he did it.

As a result, this whole incident was one of the seminal events that led to the civil rights movement in the 1950s and the 1960s with all the progress we have achieved as a result of that.

It is owing to these individuals and to their courage that we do the right thing after all this time. I certainly intend to continue doing whatever I can to make certain the Justice Department is held accountable for taking action. I know Senator SCHUMER feels strongly the same way. This is a subject I intend to bring up with Mr. Gonzales as his confirmation process moves through the Senate. I certainly hope he is confirmed and I do intend to support that. I think he will make a great Attorney General. But I want to make certain that he is personally aware of this and personally committed to devoting such resources as are necessary, as expeditiously as possible, to see that justice so long delayed is now done in this case.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTES TO RETIRING SENATORS

FRITZ HOLLINGS

Mr. HARKIN. Madam President, when the man who sits right next to me across this aisle over here, the senior Senator from South Carolina, FRITZ HOLLINGS, retires at the end of this Congress, this body will lose one of its most distinctive and eloquent voices. We will lose a master legislator, a person who will go down in history as one of the truly consequential Senators of the second half of the 20th century. Of course, we will lose the presence of a great friend, a colleague whose passion and wit burn just as intensely today as when he first entered this Chamber nearly four decades ago.

As I said, Senator HOLLINGS sits directly across the aisle to my left, at the desk that was once occupied by another extraordinary individual from South Carolina, Senator John C. Calhoun. But Calhoun was a voice of the Old South, a defender of slavery in the great debates prior to the Civil War. FRITZ HOLLINGS, first as Governor, and for the last 38 years as a Senator, has epitomized the New South.

FRITZ HOLLINGS became Governor in 1958, at the tender age of 36. He immediately set about diversifying South Carolina's textile and farming economy. He planted the State thick with technical colleges. He aggressively recruited new industries to the State. But, most importantly, he set in motion the peaceful transformation of racial relations in South Carolina.

Now, remember—I remember it well; I was a senior in high school just going into college at that time—this was a time when other Southern Governors were pledging massive resistance to integration. They literally stood in the schoolhouse door. They incited people to keep African Americans from going into school or sitting at lunch counters or riding on buses.

But FRITZ HOLLINGS charted a different course as Governor. He showed tremendous leadership, real political courage, as he orchestrated the peaceful integration of Clemson University. So FRITZ HOLLINGS epitomizes the New South.

He also epitomizes the Greatest Generation. In World War II, right out of the Citadel, he served as an Army officer in North Africa and later in Italy earning seven campaign ribbons and the Bronze Star.

But I have always believed that what made the Greatest Generation truly great was not just what they did during the war but what they did after the war. As I said, FRITZ HOLLINGS played a transformational role in South Carolina. Then he came to the Senate, and he played an equally dramatic role on the national stage.

In 1968, he conducted a series of ''hunger tours'' across South Carolina, exposing poverty and Third World living conditions. He went on to coauthor national legislation that created the Supplemental Food Program for Women, Infants and Children, which we now know today as the WIC Program. He championed the Community Health Center Program, bringing medical care to the poor and underprivileged. And now thousands of community health centers dot the landscape in every State of our Union.

FRITZ became a passionate advocate for medical research and the National Institutes of Health, especially cancer

research. I know how proud FRITZ is of the nationally respected cancer research and treatment center at the Medical University of South Carolina, now known appropriately as the Hollings Cancer Center. In fact, at his farewell gala a couple months ago that I went to downtown, FRITZ HOLLINGS raised more than $2 million for the center's programs.

Well, it would take a long time to stand here and do justice to Senator HOLLINGS' legacy of legislative accomplishments. I will not do so. I am tempted to do so because there is so much there. But those of us who have served with him over the decades know there is no more dedicated fighter for fiscal conservatism in this body or anywhere in this Congress. There is no one who has fought harder for what I call fiscal rationality in our spending and taxing programs than FRITZ HOLLINGS.

There is no one who has done more when it comes to protecting our oceans and coasts. It was Senator HOLLINGS who passed the Coastal Zone Management Act in 1972, the Marine Mammal Protection Act of 1972, the Oceans Dumping Act of 1976, and the Sustainable Fisheries Act of 1996. So the next time you go out to look at whales or you see the dolphins swimming, the next time you walk along a beach and you don't see all that junk washing up on the shoreline, thank FRITZ HOLLINGS. He led the charge on it.

And long before it became fashionable, FRITZ HOLLINGS was speaking out against the indiscriminate outsourcing of American jobs, first in the textile industry, then jobs in the steel industry and manufacturing. In literally scores of speeches on this floor, he has educated Members of this body about the fallacies and human costs of so-called free trade. That is not fair trade. He has spoken out with passion and persistence for fair trade and a fair shake for American workers.

FRITZ HOLLINGS leaves a personal legacy in this Senate. We will always remember his sharp mind in debate, his wit, and a very sharp tongue that could cut to the quick and get at the essence of what the debate was all about. And there is no one who had a greater sense of humor or was more generous and more kind than FRITZ HOLLINGS. He could craft humor about others, and he could craft humor about himself—a great individual, FRITZ HOLLINGS.

I would be remiss if I did not also publicly pay a big thank you to FRITZ HOLLINGS for the opportunity he gave me 16 years ago. I had just been elected to the Senate. I was in my first term. It was 1988. Lawton Chiles, who was then a Senator from Florida, was retiring as chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education.

I was a freshman Senator. I was at the bottom of the ladder. So Lawton left that position and went back to Florida. Most of the Democrats ahead of me—the Democrats were in charge at that time—had other subcommittee chairmanships they didn't want to give up. So it came down to FRITZ HOLLINGS and me. I knew of the passion that FRITZ had for health and education issues. So I assumed he was going to take chairmanship of that subcommittee. But I called up FRITZ. I let him know that if he didn't take it, I was next in line, that I always had a great interest in this area. Well, he said he would take that into consideration. I will never forget it. I was at home on a Sunday night. He called me up and said: Well, TOM, I have been thinking about this. He said I would really like to have the Labor, HHS, Education; this is in my interest. I have spent so much time on health issues.

Well, I thought this was his nice way of telling me, I am sorry, TOM, I am going to take the chairmanship, tough luck. But at the end, he said: Well, I want you to know I am going to stay with the Commerce-State-Justice Subcommittee.

I could hear him laughing. He had kind of strung me out during this whole phone call, leading me to the point where he was going to say, I am really sorry, TOM, but I am going to take it. Then he turned 180 degrees and said: I am going to stay with Commerce-State-Justice. I could hear him chuckling in the background, knowing that he had given me a great gift.

It was a huge opening for me as a freshman Senator to chair the second largest Appropriations subcommittee. I will always be grateful for the confidence and the trust that he had in me at that time. I hope I have not disappointed him.

FRITZ HOLLINGS has cast more than 15,000 votes here. He has passed major bill after major bill. He has spoken out courageously on issues of war and peace, trade and budget, civil rights and human rights. He has been a voice for the poor and for the sick and for those who have no voice in the political arena. I know FRITZ is very fond of a particular quote from Elibu Root, Teddy Roosevelt's Secretary of State. Those of us who were at the farewell banquet for FRITZ in September heard him repeat it on that occasion. He said:

> Politics is the practical art of self government, and someone must attend to it if we are going to have self government. The principal ground of reproach against any American citizen should be that he is not a politician.

For more than five decades, FRITZ HOLLINGS has been a proud politician, an extraordinary public servant, one of the truly magnificent Senators in the history of this body. We will remember his legacy. I am going to miss him as a friend and as someone I could converse with, gain insight from, and share a laugh with, listening to FRITZ go on about fiscal responsibility.

Peatsy and FRITZ have been a team. I was fortunate to have taken a congressional delegation trip with FRITZ and Peatsy last December. We went down to Brazil, looking at all the different things in Brazil—everything from rain forests to agriculture to labor conditions. It was truly a magnificent week to spend with FRITZ and Peatsy. I will never forget it. I will never forget both of them. So I wish both FRITZ and Peatsy a long and wonderful retirement in their beloved Charleston, SC.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

A DEEPLY FLAWED PROCESS

Mr. CONRAD. Madam President, we are here late on a Saturday afternoon as part of what has become truly a deeply flawed process.

We have been presented with this huge stack of paper. I think this is well over 3,000 pages. We got it in the middle of the night. We didn't have a hard copy until somewhere after noon today. We are being told that we will vote on it shortly. It reminded me very much of attending one of the State of the Union Addresses in my first years in the Senate. It was in 1988. President Reagan was talking to the Nation, and he held up what was then a conference report that he reported was over a thousand pages long, weighing 14 pounds. Then he held up a reconciliation bill that was 6 months late and was 1,200 pages long, weighing 15 pounds, and a long-term continuing resolution of over 1,000 pages, weighing 14 pounds. He reminded us that was 43 pounds of paper and ink, and you had 3 hours—yes, 3 hours—to consider each. He said it took 300 people at his Office of Management and Budget just to read the bill so the Government would not shut down. He concluded that Congress should not send him another one of these. He said: If you do, I will not sign it.

President Reagan was right. This is not the way we should do the people's business. We should not have, late on a Saturday, 3,000 pages; and there are not more than a handful of people here who know what is in it. I know what is in it for the State of North Dakota. I know that. But I don't know what else is in here.

I have found one thing that is in here that I think will shock every one of my colleagues. There is a little nugget tucked away in this package that says the Appropriations Committee chairmen, or their designees, can call up the tax returns of any individual, any company and, without civil or criminal penalty, do whatever they want with those returns.

Madam President, think about that. Are we really going to pass legislation that says an Appropriations Committee staffer can look at the individual returns of any American, any company, and there are no civil or criminal penalties for their release of the contents of that return? I don't think so. That is in this stack of papers.

We have provisions saying that the chairman of the Finance Committee

and the chairman of the Ways and Means Committee can look at individual returns. They are the only Members of Congress who can do that, and there are very severe civil and criminal penalties if they were to release what they saw there. Those are privacy protections for every American taxpayer, every individual, every company. We protect the privacy of those returns with stiff civil and criminal penalties for the release of the information gained in those returns.

All of that is thrown right out the window in this stack of paper because it provides that the Appropriations Committee chairman, or their designees, can have access to the returns of any American, any individual, any company; and there are no civil or criminal penalties for the release of the information contained therein. I say to my colleague from Idaho I don't think this is his idea of protecting the privacy of the American people.

Mr. CRAIG. Madam President, if the Senator will yield, the Senator brings up a critical point. Would he cite the page and the subparagraph to the body? Clearly, the Senator is stating a charge, if you will, that is very critical and very important for all of us to understand. No one, without court order or subpoena ought to have that kind of authority.

Mr. CONRAD. Madam President, there are so many different page numbers on this page, I am not sure which of these page numbers is the relevant page number.

There are at least three page numbers on the page. That is how slapdash this whole thing is. There is a page number 802, there is a page number 1112, and there is a page number 85. Take your pick. This is what it says, and I quote it to my colleague, section 222:

> Notwithstanding any other provision of law governing the disclosure of income tax returns or return information, upon written request of the chairman of the House or Senate Committee on Appropriations, the Commissioner of the Internal Revenue Service shall hereafter allow agents designated by such chairmen access to Internal Revenue Service facilities and any tax returns or return information contained therein.

That is the provision that is in this stack of paper. That is an outrage. That is absolutely beyond the pale to allow staffers here the access to tax returns of any American citizen, of any American company with absolutely no civil or criminal penalties for the release of that private information.

What is going on here that we have a stack of paper that has a little nugget like that stuck in? That cannot be.

Mr. LEAHY. Will the Senator yield for a question without losing his right to floor?

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Vermont.

Mr. CONRAD. I will be happy to yield.

Mr. LEAHY. Mr. President, does that mean—it just boggles the mind—this goes way beyond the wildest dreams, for example, of J. Edgar Hoover. Does that mean, for example, if somebody in the press criticizes the chairman or if a constituent wrote in and criticized some action of the chairman or, let us say, that some Member of Congress dared to vote against a bill of the chairman, their staff could just go and grab all their tax returns and then just give it to anybody and have no penalty?

I realize this is not the old former Soviet Union, but this could possibly happen in America?

Mr. CONRAD. Unfortunately, it is contained in this bill. This bill is very clear:

> Notwithstanding any other provision of law governing the disclosure of income tax returns or return information, upon written request of the chairman of the House or Senate Committee on Appropriations, the Commissioner of the Internal Revenue Service shall hereafter allow agents designated by such chairmen access to Internal Revenue Service facilities and any tax returns or return information contained therein.

And there are no provisions in the civil law or the criminal law that would protect the release of that information.

I tell you, when my staff came upon this and brought it to my attention—I used to be a tax commissioner, and one of the things that is understood by anybody who deals with tax information is that there are rights to preserve the privacy interests of any taxpayer. We have long held in this body and in the body on the other side of the Capitol the people's right to privacy would be protected.

This provision, I am told, was stuck in at about midnight last night. Without any debate, without any discussion, without any Democrat in the room, it was stuck into this monstrosity of a bill. I think that is just one more indication of how dangerous this process has become—3,000 pages dumped on our desks, and we are told to vote in just a few hours.

There is nobody here, other than those who have been in the room, who can understand what is in this bill. If we gave our colleagues a quiz on what is contained here, I do not think very many of them would pass.

Something has to be done here. This cannot become the law of the land.

Mr. MCCAIN. Will the Senator yield?

Mr. CONRAD. I will be happy to yield.

Mr. MCCAIN. Madam President, my only question to the Senator is, is he really surprised that something egregious should be in this long package that none of us have seen or read until a few hours ago? Does it really surprise the Senator when we find it packed full of goodies for special interest and policy changes and all kinds of things that are passed into law that otherwise would not bear scrutiny? Is he really surprised that all of a sudden now we just pass some other barrier?

Isn't it also the fact this is in a bill that none of us have seen or read? Should it surprise us that finally happened when we have a system that is broken? The system is broken. This is 9 of the 13 appropriations bills that have never seen a debate or discussion or amending. None, never. So now we find something that—thank God for somebody's staffer who found it buried on page—what did the Senator say, page 1,000-something?

Mr. CONRAD. Madam President, I say to my colleague, my friend, you cannot even tell what page number it is because on these pages there are three different page numbers. Page 802, page 1112, page 85—take your pick.

Mr. MCCAIN. If I can finally ask my colleague, doesn't it really argue again that we have to fix a system that is broken? Here we are, everybody trying to get home for the Thanksgiving recess, and we are going to debate and vote on this ''as quickly as we can'' and anybody who extends the debate is being terribly unfair to their colleagues. I have already had four colleagues who have airline reservations come up to me and say: Please don't talk too long this time; you're not going to hold up this bill, are you?

I am not the one who caused this bill to not appear before us when we have been here for the entire year without acting on nine of the appropriations bills. The system is broken, and sooner or later we better fix it.

I am going to identify billions of dollars of pork that are in this bill that have had no scrutiny, no competition, no nothing except a testimony of the influence of some member of the Appropriations Committee.

I ask my colleague if he is surprised this should happen.

Mr. LEAHY. Will the Senator yield for a question?

Mr. CONRAD. First, let me answer the question of the Senator from Arizona. Am I surprised? I am not surprised there are things in here almost nobody knows about. I started out by going back to President Reagan's admonishment to us never to permit this to happen again. That was in 1988. This is 2004, and here we are again 16 years later with over 3,000 pages dumped on our desks, and we are told to vote on this in a few hours. Nobody knows what is in here. We have been scouring this bill—thank goodness some sharp-eyed aide of mine saw this little nugget.

I must say, I am surprised something such as this could even get through a flawed process like this one. I am amazed we are about to pass in the Congress of the United States a provision that would allow some staffers to look at any tax return of any individual, of any company, and not have civil or criminal penalties apply to them for the release of that information.

I tell you, that is serious. That is serious.

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

Mr. CONRAD. I will be happy to yield to the Senator from Vermont.

Mr. LEAHY. Madam President, the suggestion has been made that the system is broken. Of course, I thought it would work far more smoothly with a Republican President, a Republican House, and a Republican Senate. We had actually passed a budget back last April, which by law we are required to do.

Madam President, will the Senator from North Dakota agree that there is at least one glimmer of hope here on the system working? This was put in by the Republicans in the House, and at least the Democrats in the Senate discovered it. So to that extent, there is at least a glimmer of hope.

Mr. CONRAD. I say, in answer to my colleague, I agree with the Senator from Arizona, the system is broken. The system is completely broken when we have 3,000 pages dumped on our desk and we are told to vote in 3 hours.

Now, that does not make sense. Members do not know what is in this. We find egregious provisions such as this one tucked away that people did not review, did not debate, did not discuss, did not have a chance to amend, have not had a chance to vote on, and all of a sudden it is contained in here. That cannot be.

The PRESIDING OFFICER. We are currently in morning business with a 10-minute time limit, and the 10 minutes of the Senator from North Dakota has expired. The Senator from Montana.

Mr. MCCAIN. I have a parliamentary inquiry. Where are we on the bill?

The PRESIDING OFFICER. We are in morning business.

Mr. MCCAIN. When do we expect to take up the legislation itself?

The PRESIDING OFFICER. That has not been determined.

Mr. MCCAIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I happen to be the ranking member, that is the most senior Democrat, on the Finance Committee. In years past, I was chairman of the Finance Committee when this side had the majority.

Mr. SARBANES. Those were the halcyon days.

Mr. BAUCUS. Yes, those were the halcyon days when this country was represented really well.

But I might say the provision we have been discussing; namely, the degree to which Members of Congress should have access to any American's income tax returns, is really an outgrowth of the Nixon years. That is, in the Watergate years, when too many Government officials had access to individuals' income tax returns and we enacted so-called Watergate reforms, one of the reforms was a section in the code which basically provides that no one in Congress has access to any American income tax return—as well they should not—except for the chairman of the Finance Committee and the chairman of the House Ways and Means Committee, the committees that have jurisdiction over our tax laws.

Someone might ask, why should they have jurisdiction? Why should the chairman of the Finance Committee have the right to look into an individual's tax returns? That is a question that should be asked very seriously and it is one we should take very seriously.

But the reason that is in the law today is so the Finance Committee can exercise jurisdiction or proper oversight over our Tax Code, especially looking into how companies, maybe individuals but certainly companies, use the tax system to shelter their income—what do they do; how do they do it—so we in the Congress can enact legislation that closes those loopholes. That is what we have done.

Within the last couple of years, with the so-called Enron reforms as we looked at Enron's tax returns, we found a lot of provisions where actually the company was overstating assets in a certain area and understating in another, sheltering a lot of income, clearly not in the spirit of the income tax returns.

I might say, too, that, frankly, the Tax Code is so complex and the returns are so complex it is difficult for the enforcement agency, the IRS, to look at all of these shelters and to enforce the tax law.

As we know, a low percentage of tax returns are currently audited, and it is very difficult for the Joint Tax Committee because they do not have the resources to look at all of this.

The long and short of this is that we in the Finance Committee, the chairman of the Finance Committee and his staff, looked at income tax returns, including Enron, and we made appropriate deletions to protect proprietary interests. Nevertheless, we thought we should exercise that responsibility and we did, very carefully and professionally, and the result was not to use individual tax returns but, rather, closing a lot of loopholes of which companies, in this case Enron, were unfortunately taking advantage.

The current law also provides for civil and criminal penalties for any unauthorized disclosure by the chairman of the committee or authorized staff of any unauthorized information, which there well should be. If any of us were to divulge any of the information we might have, we go to jail, and we should.

The provision we are talking about here, that is, in this big appropriations bill right in front of me, basically says the chairmen of the Appropriations Committee, House and Senate, have the same authority, and that they can also exercise that authority and have access to income tax returns without any penalty whatsoever, no criminal penalties, no civil penalties, for any unauthorized disclosure.

Well, what does that mean? It does not take a rocket scientist to know that means anybody on the staff of the Appropriations Committee can just take that tax return information and can go to the press, can use it however they want on anybody, without any penalty. That is an outrage. Even in the dead of night, who would try to enact a provision like that? And that is what the majority has done very late at night.

My staff happened to find this provision several hours ago. I called them this morning to see what they found in the conference report. They said: We are still trying to download it. We divided it into different parts. We are not going to be able to go through it all until 5 o'clock today, not even see what is in this conference report until 5 today. That is about eight or nine people in my office, each downloading from the House Ways and Means Web site various portions of what is in this conference report.

I am informed that the House has gone out. I do not know if that is accurate, but I am informed the House has adjourned and that is highly, highly reprehensible. They passed this provision in the middle of the night, did not tell a soul, did not consult with the Finance Committee, did not consult with the House Ways and Means Committee. They certainly did not consult with the Finance Committee. The chairman of the Senate Finance Committee found out about this a few hours ago and he is as upset as I am. The chairman of the Senate Appropriations Committee, Mr. STEVENS, I am told he did not even know this was in there until a couple of hours ago when he was informed about it. That is what I am told. He did not know it was in there. Come on.

It seems to me that the one resolution yet available is for the Senate to amend—it is a procedural motion here—the enrolling resolution, to strike that language and send it back to the House.

I have to figure out there is a way for the House to stay and meet. I am told they are just doing special orders or something like that. I am told they have not adjourned sine die. It is clear that if they want to change this, the House of Representatives can find a way to change it. They can find a way if they want to. If they do not, I have to reach one conclusion, they do not want to. They want to give the Appropriations Committee chairman this unfettered access to individual income tax returns and the ability to release it to anybody in the world without any punishment, without any civil penalties, without any criminal penalties.

I ask the House of Representatives, I ask the Speaker of the House, I ask the leadership of the majority party in this body, to find a way to get the House of Representatives to accept our resolution.

I have been told we will have a colloquy or we will take this up later. We all know what happens when we take things up later—it does not happen. Things have a way of getting lost. One has to strike when the iron is hot. The iron is really hot now.

When the American public hears about this—we can bet dollars to

donuts there is probably nobody in the press gallery right now because they are out writing their stories about this—we are going to hear about this and I would think that the majority party would like to nip this thing in the bud and get it done right now and not have it in the press for weeks and months because it is on the doorstep of the majority party of the House and the Senate. It is on their doorstep. If they want to change it and delete it, they can do that. If they do not want to change it or delete it, then they are not doing it.

Since I have been in this body, I cannot think—I am sure there are others but I cannot think of an outrage as reprehensible as this one. Can my colleagues believe it, unfettered access to individual tax returns which are supposed to be private income, that can be divulged to anybody without any sanctions? Come on. How can anybody even conceive of suggesting something like that? Somebody did it in the middle of the night, and I might say we still do not know what is in this legislation. As I said before, the chairman of the committee did not even know about it. The chairman of the Appropriations Committee did not know about it. They do now, and I call on them to do something about this to get this problem solved right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is what happens at the end of a session when things go bump in the night and on your desk you find a stack like this. I am a member of the Appropriations Committee. A lot of work has gone into this, but by waiting until the end of the session to put all of this in front of Members of Congress, it becomes literally impossible for us to meet our responsibility to say to the voters we represent that we know what is here; it is good for America, and we are voting for it. You have to operate on faith.

That faith is shaken if not destroyed when something comes through like this. If there is anything we are supposed to respect in this country, it is the right of privacy, particularly when it comes to Government records. To slip in this section 222 in the Treasury appropriation, and give to certain Members of Congress and their staff access to individual income tax returns which they can order up from the Internal Revenue Service and then use the contents with impunity, in other words, without any threat of civil or criminal prosecution if they disclose them, is to create a situation which, frankly, is beyond description.

We talked about enemies lists 40 and 50 years ago in America, where administrations would decide which Americans were not friendly and there was a hint or suspicion that the Internal Revenue Service was going to look at their tax returns. That is as far as it went.

Forget the hint of suspicion, this is an outright delegation of authority to elected officials in Congress and their staff to order up the tax returns of any person they choose. Could it be their opponent in the last election? Or maybe the candidate who might run against them next time? Could it be a whole branch of contributors to certain causes? All of those things are possible under this.

It strikes me as odd, if we are going to respect the right of privacy for individuals in this country, that we would delegate this authority and then say that the staff people and Members of Congress who use it can disclose the contents to the public without any fear of prosecution. They could turn them over to the press. They could use them on these talk shows. It could happen.

In case this sounds as if it is in the realm of the ridiculous, it happened to be on the Senate Judiciary Committee on Capitol Hill that a staffer hacked into my computer and stole 2,000 documents from my computer and turned them over to the press and special interest groups in Washington. He was caught, thank goodness, and now there is an investigation underway. But he was using material from my staff and my office in an effort to not only try to anticipate what might happen in the committee, but to use it against me politically. That happened at the Senate Judiciary Committee, the committee responsible for reviewing and designating future Justices in the Supreme Court. It happened within our committee.

Now what we are saying is we will write into law the access of Members of Congress and their staff to, not just the computer memos generated in my office, but income tax returns; that they could have access to an individual income tax return and disclose it with impunity, without any possibility of being held accountable for that fact. That is a troubling development.

I do not know who is responsible for it. It happened in an appropriations bill that it turns out at least Members on this side of the aisle were not aware it was included. But think about the fact that we are dealing with some 3,400 pages of legislation here. It is not possible for us to read through every word of this, every paragraph, and to find out if we can trust the contents of this to be something that is good for America and something about which we can cast our vote in favor.

I thank my colleagues for coming to the floor—Senator CONRAD from North Dakota, Senator BAUCUS from Montana and others, Senator MCCAIN from Arizona, for bringing to light this outrage.

It is not enough for us to limit this outrage to the point where we say we will pass it today and take care of it tomorrow. What happens in the meantime, after this is signed into law? What will happen? I don't know.

But we will be giving legal authority to individuals to misuse income tax returns of individuals, families, and businesses across America. That, in my mind, crosses a line which we should never allow to be crossed.

The Government serves us. We are the masters of this country because, in a democracy, the voters rule. When it reaches a point that you have to worry about the tyranny of a government invading your privacy, disclosing information which they have no business to publicly disclose, then we have crossed a line which we should never cross.

Mr. SARBANES. Will the Senator yield for a question? As I read this provision, the chairman of the Appropriations Committee could send what are called agents—which I take it means staff?

Mrs. BOXER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order.

Mr. SARBANES. Then the Commissioner of Internal Revenue is required to give them access to the Internal Revenue Service facility and access to any tax returns or return information contained therein. So they, in effect, have a carte blanche to gain access to any tax information involving any tax return. Is that correct?

Mr. DURBIN. That is my understanding. I would say to the Senator from Maryland, as you read it, it is even more expansive than I described it. I talked about asking for a tax return. As you read this language, they could ask for all of the tax returns of certain individuals or people living in certain areas or people working for certain companies or people contributing to certain charities or contributing to certain political candidates. They could go in and ask for all the information, and can do it without any penalty under law if they disclose that information or misuse it.

To think that we would give this authority in an appropriations bill of 3,400 pages, and we stumbled upon it in the last few moments, is an indication of some of the troubling possibilities in this piece of legislation.

Mr. SARBANES. The Senator is absolutely correct. I thank the Senator for answering the question.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to say to my colleagues who read this bill—I don't know if I can hold it, but here it is. I asked that it be put on everybody's desk. That is a rule in the Senate. You can require that because I think just looking at this you see how not to legislate. I think Senator MCCAIN has made that point eloquently.

I am going to speak for about 5 or 6 minutes now. I am going to speak more later.

I thank my colleagues who found that ''Big Brother is watching you'' language in this massive bill. It is a horrific thought that some person working for the Government can identify a taxpayer and go after him or her, or go after a business without penalty. This is unheard of. If this is a new America, then let me say we have a lot

of work to do around here, and things are going to be slowed down because as much as everyone wants to get home and get with their families, not the least of which is the folks on the floor right now, we may have to sacrifice a little bit if this is the kind of legislation that comes before us in this huge packet.

I am going to take just a few minutes to run through another piece of legislation that was thrown in here without any vote in the Senate, without any hearing in the Senate, without any discussion in the Senate, and that is the so-called Weldon amendment which has very many adverse consequences for millions and millions of women of reproductive age in our country.

The Weldon amendment is a sham conscience clause. It takes a good conscience clause that was put in place so that doctors who have a moral or religious objection to performing abortion do not have to do that, but what this does is says anyone who wants can claim a conscience clause without giving any reason, and expands it to HMOs and insurance companies. Imagine giving an HMO a conscience clause. Since when do HMOs have a conscience? I haven't met one that did so far.

Now, any business entity can decide to tell its doctors who work for it that they cannot give women information about their constitutional right to choose, even in the cases of rape, incest, and life of the mother. In this bill, millions of American women are now at risk, if they are the victim of incest or rape or their life is at stake, they will be denied services and referrals. It is extraordinary to me.

Women will be left abandoned in emergency by overriding the Federal Medicaid law. It abandons women in emergency rooms who have life-threatening pregnancies. It overrides title X requiring referral to appropriate clinicians or clinics. It overrides State laws.

Now you have from my colleagues who run this place, the Republicans, who always say they don't like Big Brother—first, you have them going after your tax return, and now you have them overriding State laws that respect a woman who may be in deep trouble because of incest, or rape, or her life may be threatened.

Can you imagine that? When the American people learn about this—that a woman could stagger in, having been raped by a relative, and she does not have to be told her constitutional rights. Let me tell you, that treats women worse than criminals.

Let us see what we do about criminals. We make sure criminal suspects have to be told their constitutional rights. These folks could be suspected of the most heinous crimes. We have to tell them they have a right to remain silent; anything they say could be used against them in a court of law; they have a right to an attorney before they can be questioned; if they can't afford an attorney, one will be appointed. And then they are asked, Do you understand these rights?

A woman who may be quite poor, who may not know all of her constitutional rights, up to now has been protected because all the laws we have on the books say she needs to be told what her rights are. Look what we do here to women. Women don't have their constitutional rights explained to them. Under Roe v. Wade, a woman has a right in the first 3 months of her pregnancy to be told that the decision is hers, without government interference. After that, she has to be told that her health and life must always be protected throughout her pregnancy. These are the constitutional rights of women.

Yet with this Weldon language which was put into this bill, without a Senate hearing, without Senate debate, without a Senate vote, a woman will be treated worse than suspected criminals.

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

Mrs. BOXER. I am happy to.

Mr. LAUTENBERG. In our State of New Jersey, public hospitals are not allowed to deny abortion services to a woman. What effect will this new Federal law have on those women's rights accorded to them under State constitutions?

Mrs. BOXER. The State law will be overridden, my friend. And your State—and I know you and Senator CORZINE are here to fight for your State. You fight for your State every single day. Right now, in this package, without one hearing, your State, if this bill passes, is going to be told from now on they cannot in any way have protections for women in the law if that State takes Federal funds. Of course, they all take Medicaid funds. They will not be able to protect women. Not only won't they be able to protect women in the sense that the woman can have a legal procedure, but the woman won't even be able to get a referral.

Mr. LAUTENBERG. Can a doctor who works at a hospital that doesn't provide abortion services be prevented from providing a patient with a simple direction to say we don't do it, I won't do it, but there are places you can go and you ought to check the directory, or check Web sites and see if you can find a place to get this done?

Mrs. BOXER. Yes. There is a gag rule on doctors. The way it would work would be this: If an organization, an HMO, or a hospital, or an insurance company decides it no longer wants to either provide abortion services or even refer a woman to abortion services, they can say to the doctor who works for them, if you want to work here, forget about it. You cannot refer a woman for an abortion. You can't tell her about her constitutional rights. It is a gag rule that will now be permitted on the doctors of this country to the detriment of the patient.

I will go over this quickly.

Under current law, doctors can choose a conscience objection to provide abortion services. We all support that. If a doctor personally declares a conscience objection problem, he or she does not have to perform an abortion. However, if a doctor doesn't have a conscience objection, under the Weldon amendment, HMOs and insurance companies who no longer wish to provide women with information on their constitutional rights can prohibit doctors from performing them and referring women; they will lose their job.

Mr. CORZINE. Mr. President, if the Senator will yield, it is my understanding this provision now being described not only deals with conscience issues but also deals with what potentially HMOs or insurance companies can choose to not inform, not because of an issue of morality or religious beliefs, but because they just flat out believe it is not in their best business interests to do that. So we are changing the whole generic and fundamental reason on how we are addressing this issue.

Mrs. BOXER. Yes. That is why I call it a sham conscience clause. It took a conscience clause we passed in 1997 that was very fair, because none of us, pro-choice or not, wanted to say to a doctor you must perform a procedure that you have a religious objection to, and now we have taken that and thrown it out. We say for whatever reason or for no reason, not only a doctor but an HMO, an insurance company, can decide they don't want to offer the service regardless of State law, regardless of local law, and regardless of Federal law.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for 4 more minutes.

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

Mr. CORZINE. Mr. President, to put this in the context of this 3,500-page bill that we are legislating outside of the Constitution, of the formal processes of hearings, not unlike the abomination of the IRS where we are creating policies that are changing both State law and privacy issues, both in the case of a woman's right to have access to protecting her health, and dealing with things like the Federal privacy laws with regard to the IRS—what we are doing with these 3,500 pages is the American people are getting legislation tucked into bills without any kind of debate or transparency.

Mrs. BOXER. Absolutely. What we have going on here is this enormous spending bill, and buried in it is legislation that was tacked on, in many cases never discussed, such as this one Senator CONRAD discovered, where a committee staff can look at Senator GRASSLEY's tax returns or my tax return, or Senator CORZINE's income tax returns, or anybody's tax return, and give it to the press. They could choose someone who is a constituent of ours. They could choose someone and find out what charities they are contributing to.

This is the big government watching us, and the Weldon amendment is tucked in here without any vote by this Senate, either in committee or on the floor. I will tell you right now, talk about big government watching you. This is big government overriding State laws in many States. It is big government that is abandoning women in the emergency rooms who have life-threatening pregnancies, who walk into emergency rooms, and under a different law that protects this woman, she has to be stabilized. No more; not with the Weldon amendment.

I wanted to say to my colleagues that I was willing to stand on my feet as long as it takes because of the outrage I feel for the women in this country because of the way they are treated in this bill. But I have been able to work with Senator FRIST, Senator REID, and Senator DASCHLE, and it looks as though we will be able to reach an agreement to have a vote on my bill to repeal this Weldon amendment within the next couple of months. At that time, we will shed light on it. I will have far more to say about it. I wanted to tell my friends here—and I thank Senator FEINSTEIN, Senator LAUTENBERG, and Senator CORZINE, who are on the floor—how much I appreciate your leadership on this.

This is an outrage.

Mr. LAUTENBERG. If I may ask the Senator from California, the Senator is saying she has a commitment. Will that be expressed?

Mrs. BOXER. I will not allow a vote until we have a colloquy read on the floor between myself, Senator REID, and Senator FRIST which promises we will be able to have an up-or-down vote on the Weldon amendment sometime around April, sometime before that, where we can debate this on both sides, where we can share our views on it. Then I will feel in my heart we have done the right thing by the women in America, at least protecting them by letting the light shine on this piece of legislation, which is a shame for the women of this country, overriding State law, overriding laws that protect a woman who might walk into an emergency room, practically at death's door, and no longer would receive treatment.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I speak in strong opposition to a very troubling provision in this bill that will potentially take away American taxpayers' right to privacy regarding their personal income tax return.

The section I refer to is Section 222 of the bill. This section will allow any agent designated by the chairman of the Appropriations Committee access to tax returns and tax return information.

Section 222 provides this sweeping new authority while at the same time it throws aside years of detailed strict statutory protections for taxpayers that also ensure the privacy of taxpayer information.

Given that the language in this section can be interpreted to eliminate all restrictions on access to taxpayer information and publication of taxpayer information, there is nothing to prohibit the Appropriations Committee from obtaining taxpayer information, information about a corporation, information about an individual and releasing it to the press without fear of penalty.

There is no reason that the Appropriations Committee cannot obtain taxpayer information, your 1040, and just posting it on the Web.

This poorly drafted and even more poorly conceived legislation will bring us back to the doorstep of the days of Nixon, Truman and similar dark periods in our tax history when tax return information was used as a club against political enemies.

My colleagues may find these concerns over the top but I can assure you that when it comes to protection of taxpayer information the history has been a very troubling one and it is only through constant vigilance that we have been able to give Americans confidence that their tax return information will be protected and private.

I find it especially troubling that this language which will harm the volunteer tax system and make the work of the IRS harder comes in an appropriations bill that fails to even provide the the full funding requested for the IRS by President Bush.

What is more important, providing more money to the IRS to combat tax shelters, or allowing Appropriations staffers the right to dance through private citizens' tax returns at will? This is an outrage.

Just so my colleagues understand the claim for this language is that it is to allow the appropriations committee with access to IRS facilities for oversight purposes but not the ability to examine individual tax returns, data or information.

This is the statement that was made in colloquy between the chairman of the Ways and Means Committee and the Chairman of the Appropriations Committee in the other body.

The statement between the two members further states that it is the intent of the Appropriations Committees that all access to taxpayer information remains governed by the disclosure and privacy rules of Section 6103 of the Internal Revenue Code.

For my colleagues information, Section 6103 of the Internal Revenue Code generally governs and protects taxpayer information.

What is particularly frustrating is that Section 6103 already provides the Appropriations Committee a means to have access to taxpayer information—within the protections and limitations provided by law to protect taxpayer privacy.

The Appropriations Committee can seek permission for access to taxpayer information from the chairman of the Ways and Means Committee or myself, in the Senate, the chairman of the Finance Committee. I have received no request for access to taxpayer information from the Appropriations Committee during my time as chairman.

However, I would say that my colleagues know my reputation for oversight and encouraging oversight and I have been very open minded about granting such requests. In addition, any committee can appeal for such authority to the House or Senate for authority—that also has never taken place by the Appropriations Committee to my knowledge. Again, if that authority is granted the protections provided under Section 6103 are still in place.

This provision in the omnibus bill reflects a mindset that Members or, more likely, their staff—don't want to be bothered with such longstanding successful mechanisms to provide access for legitimate congressional oversight and have instead opted for the ''easy way out.''

And let me be clear, the ''easy way out'' contained in this bill will jeopardize taxpayer privacy and taxpayer information.

Let me make a final point. This section places the Commissioner of the IRS in the position of possibly forcing him to violate the law under Section 6103. The Commissioner of the IRS is still covered by Section 6103 and the penalties for improper disclosure.

It is my early review of this language that this Section 222 will put the Commissioner in the position of an improper release of tax information in violation of 6103. In such a case it is my view that the Commissioner should not release any tax information under this Section 222.

They say haste makes waste. In this case, with Section 222, haste has made a hash of years of efforts to protect taxpayer information and ensuring that taxpayer information is kept private. It is disgraceful that all this is being done because some Members of the Congress can't be bothered with following the simple rules in place to protect taxpayer information. Now, I have been satisfied since this has come to our attention that this goes much further than what the chairman of the Appropriations Committee has desired, or even more so, that he was not aware of the sweep of this legislation and that it will be corrected shortly in other action taken by this body under the leadership of the Senate Appropriations Committee—and presumably, I am also told, with the adherence of the chairman of the House Appropriations Committee. So this may no longer be an issue.

Mr. STEVENS. Will the Senator yield?

Mr. GRASSLEY. I yield.

Mr. STEVENS. I would like to tell the chairman of the Finance Committee as chairman of the Appropriations Committee, I checked with Chairman YOUNG, BILL YOUNG of the House

Appropriations Committee. Neither of us was aware this had been inserted in the bill. It was inserted at the request of one staff to another, reliance on the statement made by one that the front office had been briefed and is fine with this.

That was not right. No Member had ever seen it. It came out during the readout. I am pleased that after it was presented to the body, it was found. It does not represent the policy of the Appropriations Committee. None of us have even ever discussed in a meeting either on this side or the House of Representatives any further access to taxpayer information. It came strictly from a staff request to another staffer.

It is absolutely a mistake. I apologize to the Senate. I am sorry that both the Senator from Iowa and his colleague, Chairman THOMAS in the House, properly were exercised over it. It is a mistake. It will be deleted. We have made an agreement it will be totally deleted from this bill.

Mr. MCCAIN. Will the Senator from Iowa yield for a question?

Mr. GRASSLEY. Yes.

Mr. MCCAIN. Would this not be, the explanation just provided by the chairman of the Appropriations Committee, incredibly disturbing, that we would have a bill before us, that we would have a few hours of debate, and if it had not been for the alert staff, one of the staffers over here, this would have been passed into law?

This would have been passed into law. Now we find out how it happened. One staffer had an agreement with another staffer, and it was placed into a multithousand-page document that none of us had ever seen or read.

Doesn't the Senator from Iowa find this incredibly disturbing, that there will be all kinds of pressure we vote as soon as possible on this bill because we all want to get out of here, that it is just discovered, but it was done by two staffers?

Has this system broken down completely here in the U.S. Senate?

Mr. GRASSLEY. To the Senator from Arizona, I cannot disagree with what he says. But we do have a bill before us. And the fact is, the chairman of the Senate Appropriations Committee has assured me—and he is a man of his word—that he is going to take action to get this out of here. That does not detract anything from what the Senator from Arizona said about the bill, but I am satisfied as far as this egregious provision being taken care of.

Mr. STEVENS. Will the Senator yield further?

Mr. GRASSLEY. Yes, I do. But I want to say thank you.

Mr. STEVENS. The Senator from Arizona is absolutely warranted in his comments. As I said, I apologize to the Senate. We thought we had these bills read through twice. Both sides read them through twice by people who are involved in them.

I have to tell the Senator from Arizona, I do not sit there for 10 hours as that is being read. I rely on the people who have been with us now for years and years to tell us that it has been checked properly, that there is nothing in the bill that has not been approved by the bodies respectively and in conference.

But this error happened. I do apologize to the Senate. It is unfortunate. And it is more than a mistake; it is a terrible disaster, and we will have to examine our whole procedures to see if there is any way we can prevent it in the future. But it has happened now, and we do apologize.

Congressman YOUNG is as disturbed about it as I am, and his statement was: ''Take it out now.'' And that is what we are going to do.

Mr. GRASSLEY. I think the Senate should be assured.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I was present in the caucus when the Senator from North Dakota raised this issue and read the language, and I think I have listened to all of the commentary. I very much respect the chairman of the Appropriations Committee. I have served on that committee for 10 years now.

I have a very hard time accepting that this is just an inadvertent staff submission, and I wanted to say why. Because this section 222, if you read it in its entirety, is really an egregious abuse of power. If you go down to line 17, it says: ''allow agents.'' We are not talking—this is not even staff. This is anyone the chairman of the Appropriations Committee would designate, in written form, would have ''access [to all] Internal Revenue Service facilities and any tax returns or return information'' such as legal information, cases brought.

I cannot believe that some staffer, for some technical reason, wanted to insert this in the bill. I think this is an egregious overreach of power. I think we ought to do the right thing by it, and the right thing, for me, is to vote down this bill, call the House back, have them reconference the bill, and do it the right way. I do not think this language should be active for 1 minute, let alone 1 day. It is just a terrible, egregious abuse of power.

I do not tend to be suspicious. But I see the Senator from Idaho there, and I see the new chairman of the Judiciary Committee here. Does anyone believe, really, that some staffer, without any permission, thought up a scheme by which a chairman's ''agent'' could have access to every IRS facility anywhere in this Nation, and every single IRS filing of every citizen of this Nation?

I mean, you know, we were not born yesterday. We did not come down with the first snow. I think that is asking for an impossibility. How can we believe that? I think to just shuffle this off——

Mr. LAUTENBERG. Will the Senator from California yield for a quick question?

Mrs. FEINSTEIN. Yes, I will.

Mr. LAUTENBERG. Could you see that this information might be used in a political campaign?

Mrs. FEINSTEIN. Absolutely. Absolutely. I can even see it being used to go after some district attorney in Texas.

I find this an egregious abuse of power. I think we ought to spend some time on it. We ought to talk about what it means. I do not think any Member of this body ought to accept the fact. And if some staff does have the power to simply put something in that is so widespread, have the House of Representatives already pass it—and a bright staffer of Senator CONRAD's found this. What if we had passed this bill?

Senator MCCAIN is absolutely right. This place is broken. And it starts by having one party left out of conference, which has become more and more an accepted trait. That is how this place is broken. You are going to have one party where one person can insert things in the dead of night, in huge bills, which come to this Chamber. It has already passed 345 Members of the House of Representatives.

Mr. HARKIN. Will the Senator yield for a brief question?

Mrs. FEINSTEIN. I am happy to yield.

Mr. HARKIN. I thank the Senator. It has been floating around here that this is somehow a staffer who put this in. I do not know the answer to that question. But certainly someone is responsible and certainly it should not take an investigation lasting a year to find out who. Someone was responsible for this.

I ask the Senator from California, does the Senator feel we ought to know who the person responsible is, and certainly anyone who would exceed his or her authority as a staff person to put in that kind of language, I ask the Senator, does the Senator think that person ought to continue employment in either the U.S. House or the U.S. Senate?

Mrs. FEINSTEIN. I think there certainly ought to be an investigation. I cannot conceive of a staffer doing this without authorization. I cannot conceive of a staffer—if this is so staff can go and look at tax loopholes, in the first place, the Appropriations Committee does not need this. The Finance Committee can do that. Why does the Appropriations Committee need this authority? It does not make any sense.

Not only that, if you are going to copy the legislation that relates to the chairman of the Finance Committee, there is a sanction there, a very heavy sanction for misuse of that information.

Mr. HARKIN. Civil and criminal.

Mrs. FEINSTEIN. If you are going to copy it, why not copy that part of it? This is not a copy job. This is somebody's innovative thinking of how they

could get their minions access to the tax returns of individuals who might be political opponents or who might come up against them in some way or for general resource information to use against an individual, against a company, against a member of the press, at any given time.

Everything we have tried to do, with Social Security numbers, with privacy, is to protect individuals' rights to their own privacy. Every stricture of the IRS is to protect an individual's right to privacy.

Mr. CONRAD. Will the Senator yield on that point?

Mrs. FEINSTEIN. Let me just finish. I am just getting wound up. Let me just finish this windup.

Here, in the dead of night—this is not poorly thought out. This is very carefully thought out. Whoever did this knew exactly what they were doing, and they got it through one House.

Please, don't shuffle this under our desks with a resolution. This bill should be defeated. It should go back. The House of Representatives, which passed it, should at least have to come back to Washington and correct their error. This is the way I feel. I think the American people would be just appalled if they knew this was in the bill.

Mr. CONRAD. Will the Senator yield?

Mrs. FEINSTEIN. I will yield, certainly.

Mr. CONRAD. It was represented on the floor that there was a colloquy on the House side, and in that colloquy they suggested there was no intent for this language to permit access to individual tax returns.

In that colloquy, they suggested, there was no intent. Now, the Senator has read this language. Do you believe the representation that has been made on the House floor that this didn't intend to access individual tax returns?

Mrs. FEINSTEIN. Absolutely not, because twice on line 14 and lines 19 and 20, it reinforces that it is a tax return or return information. It broadens it from tax return.

Mr. CONRAD. I might say to the Senator, if you go to lines 18 and 19, that says " . . . allow agents designated by such Chairman access to Internal Revenue Service facilities and any tax returns or return information contained therein."

Mrs. FEINSTEIN. It gives them free access to every IRS facility anywhere in America, to go and rummage through and do whatever dirty work they want to do.

Mr. CONRAD. I will ask a second question. On the House floor, they made the representation that this was intended to preserve the protections for individuals' rights to privacy. Now, I ask the Senator from California, is there anything in here that has a protection for taxpayers of their private return information?

Mrs. FEINSTEIN. I worked on privacy legislation, and this absolutely does not have any protection for an individual.

Mr. CONRAD. In fact, it completely sweeps aside all of the protections that are in law because what it says is:

> Notwithstanding any other provision of law governing the disclosure of income tax returns or return information, upon written request of the Chairman of the House or Senate Committee on Appropriations, the Committee of the Internal Revenue Service shall allow agents designated by such Chairman access to Internal Revenue Service facilities and any tax returns or return information contained therein.

There is no protection; it is out the window. There is no criminal penalty, no civil penalty. They could call up the return of the Senator from Arizona, if they didn't like the speech he gave on the floor of the Senate; they could get that return and they could release it to the press and have absolutely no penalty.

Mr. MCCAIN. I think I would be the first.

Mrs. FEINSTEIN. Mr. President, if I may make a comment—and then I will defer to a question by the Senator from Idaho. I think this is so Machiavellian—to realize this power is being given to just one Member of the House and one Member of the Senate, and it is a power that I think is broader than that which now exists with sanctions for the Chairman of the Finance Committee. It is not just a staffer, it is an agent that can go. You can hire an investigator. You can have your campaign chairman designated to go in writing. That is the broad fashion in which this phrase or this section is written. It is a very frightening thing.

As I say, I don't often get exercised or upset about things, but the more I read, the more I saw that it was very carefully put together. It is extraordinarily dangerous and a real abuse of power.

I am happy to yield to the Senator.

Mr. CRAIG. Mr. President, I share the Senator's outrage. I agree that the Appropriations Committee chairman and ranking member and/or their staffs or designees do not need this authority. You heard the Finance Committee chair speak, and the ranking member has spoken; they have this authority. But in them gaining this authority, there are very real sanctions against any disclosure.

I know this is an opportunity to make a substantial amount of hypotheticals. Agents are also our staffs. That is what is intended within the law, and that is what is in the law today as it relates to the Finance Committee. I agree with the Senator; this ought to come out. You heard the chairman of the Appropriations Committee say it will come out. It is now not law, nor will it become law. I think that is what is most important.

Is the system broken? Yes. This represents a broken system. What is not broken about it are the keen eyes of all of us and our staffs. The ranking member of the Budget Committee and his staff have found this, so the system is not broken; it just got discovered. It is not in the dark of night; it is a dark early evening. It is 6 o'clock and we are doing the business of the country.

The Senator from California is absolutely right in what she says. I am not going to play hypothetical. That is the politics I will not enter into. But I agree with her and I suggest that we can talk a great deal about this section, but it will never become law because you and I and the Senator from North Dakota, and everybody else on this floor, by a vote of probably 100–0, will not allow it to happen. I thank the Senator for his diligence.

Mrs. FEINSTEIN. I appreciate the comments of the Senator.

Mr. President, I will wrap this up. I commend my friend and colleague, the junior Senator from California, Senator BOXER, for her indefatigable effort and perseverance on the Weldon amendment. I want to say how strongly I agree with her. I will submit for the RECORD a letter I circulated, signed by Senators BOXER, SNOWE, CLINTON, LINCOLN, MIKULSKI, STABENOW, MURRAY, CANTWELL and COLLINS. I think if I could probably sum it up for everybody, this is just one more step in removing a woman's right to choose. It is a terrible step because it also subjects a woman without resources to a situation where she cannot find help, particularly in a rural area.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 19, 2004.

Hon. TED STEVENS,
Chairman, Senate Committee on Appropriations, Washington, DC.

DEAR SENATOR STEVENS: We are writing to oppose a provision called the federal refusal clause from being included in the FY 2005 Omnibus Appropriations bill. This provision was included by Representative Dave Weldon in the FY 2005 House Labor-HHS-Education Appropriations bill and it would allow a broad range of health-care companies to refuse to comply with federal, state, and local laws and regulations pertaining to abortion services.

Should this provision become law, federal, state, or local government may no longer require any institutional or individual health-care provider to provide, pay for, or refer for abortion services. This will mean that medical providers in hospitals and clinics across the country will likely be victims of demonstrations and intimidations as this provision allows that they be forbidden from providing abortion care to women who need it, and also to deny women referrals to another provider. It will interfere with the authority of Attorneys General to reject, approve or impose terms on the sale or transfer of assets by nonprofit health entities as under current law. For example, an Attorney General could no longer reject a merger proposal on the grounds that the result would be diminished community access to full reproductive health services.

This provision has never been considered in the Senate. There have been no hearings held and no debate about this provision. Further, this provision puts all states' Labor-HHS-Education funding at risk and will require them to change existing laws.

The federal refusal clause is harmful to women and denies women access to reproductive health services. We ask that you oppose

its inclusion in the FY 2005 Omnibus Appropriations bill.

Sincerely, Thank you for your consideration.

Dianne Feinstein, Barbara Boxer, Olympia Snowe, Hillary Rodham Clinton, Blanche L. Lincoln, Barbara A. Milkuski, Debbie Stabenow, Patty Murray, Maria Cantwell, Susan Collins.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I just ran up here. I thought I heard the Senator from California say the chairman had sought this power?

Mrs. FEINSTEIN. No, I did not say that.

Mr. STEVENS. I hoped that was not the case. In any event, the Senator from California did say it was a one-sided review, with the Republicans reviewing this. The staff reads out our bills—joint staff, House and Senate, Republican and Democrat. I don't want to embarrass anybody here tonight. I am sure every Senator and Congressman will talk to their staff about this mistake. I assure the Senate that there were members in the minority from the Senate and from the House and members from the majority from the Senate and House that read this bill through twice. It wasn't just the majority; it was the minority and the majority staff.

This is a mistake. It is clearly a mistake. It is an unfortunate mistake. I have talked to the chairman of the House committee. He was appalled, as I was, when we found it was in there. To my knowledge, no Member of the House and Senate was asked about this staff request. A representation was made that the front office had cleared it. Actually, we have to have a signoff from the minority as well as the majority staff for their section of these bills. We have that signoff.

If the Senator from California wishes, I will tell her the members of the staff on the Democratic side who reviewed this section and signed off on it. I don't want the RECORD to show it was a partisan review. We do not have partisan reviews of our bills. As a matter of fact, there is no committee that works on a bipartisan basis more than the Appropriations Committee.

Again, I apologize to the Senate. Members of my staff are going to answer to me tomorrow. I want the Senate to know it was a bipartisan staff from the House and the Senate that made this mistake, a terrible mistake. I question any staff member who would ever approve this language without referring to a Member of the Congress to whom he or she is responsible.

I hope the Senator from California understands it is not something we sought, not something we wanted. Both the chairman of the House committee and I sought to delete it the minute we found it. It was too late. The House had already passed it.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. TALENT. Mr. President, I will take a few minutes to discuss a provision in the bill about which I think there was strong bipartisan agreement, because it will lift a significant burden off of minority contractors around the country who wish to do business with the Government.

Now, as Senators know, the program under which you get certified as a minority contractor in the Federal Government is called the 8(a) Program. State and local governments have similar certifications for contracting as a minority contractor with those governments. This presents a serious problem for minority small businesses seeking to do business and to take advantage of goals or set-aside programs because they are, after all, small businesses. They have to get recertified today, having gotten recertified under the Federal Government, under State government, and recertified under local government. It is a time-consuming and expensive process.

The provisions in the bill which reauthorize several of the Small Business Administration programs also contain a provision about which we had unanimity on both sides of the aisle which provides that once a business is certified as an 8(a) contract on the Federal level, it does not have to go through recertification on the State and local levels in order to do business in programs which are federally funded.

This is going to save minority small businesspeople many thousands of dollars and, in many cases, make it possible for them to participate where otherwise they would not be able to, and enlarge their opportunities to do business with the Government.

It is a piece of legislation that I have worked on throughout this Congress, and I am very pleased and grateful to the chairman and ranking member, as well as the chairmen and ranking members of the Small Business Committee in the House and Senate for agreeing to it.

I want to establish for the purpose of legislative history that the purpose of it, again, is to make clear that once a minority small business is certified as an 8(a) contractor on the Federal level, they are automatically certified as a minority contractor in State and local programs which receive Federal funds.

I ask unanimous consent to print in the RECORD letters of support from the National Black Chamber of Commerce, the National Hispanic Chamber of Commerce, the Hispanic Chamber of Commerce of Greater Kansas City, the Minority Business Council of St. Louis, and the Hispanic Chamber of Commerce of Metropolitan St. Louis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Harry Alford,
Sent: Thursday, Aug. 7, 2003,
To: Hall, Heath, (TALENT)
Subject: Section 8(a) Language.

HEATH: The National Black Chamber of Commerce is in strong support of your language for ''Section 1. PARTICIPATION IN FEDERALLY FUNDED PROJECTS''.

We surveyed 7200 8(a) companies and received responses from 1227 which is a 17% response rate. The first question was: Would you approve of official 8a certification being accepted at local government entities such as city, county, state and even private corporations who are federal contractors? The response was positive 1183 versus 44 which is a Yes vote by 96.4%.

The second question was: Do you find the current system where you must get certified at various places redundant, time consuming and costly? The response was positive 1165 versus 62 which is a Yes vote by 95%.

Based on the response of the survey and on behalf of over 1 million Black owned businesses in the nation, we support Sen. Talent's effort on this matter. This will truly be helpful, economical and fair.

HARRY C. ALFORD,
President/CEO, National Black Chamber of Commerce, Washington, DC.

UNITED STATES HISPANIC CHAMBER OF COMMERCE,
Wasington, DC, July 31, 2003.

Hon. OLYMPIA SNOWE,
Chair, Senate Small Business Committee, House of Representatives, Washington, DC

DEAR SENATOR SNOWE:

On behalf of the 1.2 million Hispanic-owned businesses represented by the United States Hispanic Chamber of Commerce (USHCC), I wish to express support for the Section 8a Certification amendment to the House Small Business Act Reauthorization legislation proposed by Sen. James M. Talent (R-MO). The USHCC supports this critical amendment because we believe it will streamline the 8a certification process for many Hispanic-owned businesses, greatly enhance their efficiency, remove barriers to certification and increase their access to federally funded projects.

The majority of Hispanic-owned businesses we represent are small businesses that are eligible for 8a certification. Currently, small businesses are required to obtain multiple certifications—at the federal, state and/or local levels. This can be costly and time-consuming. This is particularly burdensome for our members because most Hispanic-owned businesses are small businesses with fewer than 25 people, limited budgets and limited time. For many Hispanic businesses, this requirement has also proven to be a barrier to certification. The amended language would eliminate the need to obtain state and/or local government certification if a small business has already obtained federal 8a certification. We believe our members would benefit greatly from this because it would help focus their efforts, resources and energy where it is needed most—on growing their business, rather than on paperwork and procedures.

Not only would this amendment alleviate regulatory burdens, and ensure that more Hispanic businesses enter the certification process, but we believe that it will also help increase business for Hispanic firms. Currently, federally certified 8a small businesses must be certified by their particular state and sometimes by the local government to have access to projects that are funded by the federal government. This amendment would provide federally certified 8a small businesses with access to all state and local projects entirely or partly funded by the federal government.

As you know, Hispanic-owned businesses comprise a vital part of our nation's economy. The more than 1.2 million Hispanic-owned firms employ 1.3 million people and generate $200 billion in annual gross receipts. With Hispanics now officially the largest minority in the country with a population of 38 million, we must ensure that Hispanic businesses have every door open to them so they

can continue to be powerful contributors of the U.S. economy.

The USHCC joins the many other trade and professional associations in supporting the Section 8a Certification Amendment. Thank you for your tireless efforts in confronting this issue.

Sincerely,

GEORGE HERRERA,
President & CEO.

HISPANIC CHAMBER OF COMMERCE OF GREATER KANSAS CITY
Kansas City, MO, Sept. 5, 2003.

Senator JAMES M. TALENT,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR TALENT: We are pleased to inform you that the Board of Directors of the Hispanic Chamber of Commerce of Greater Kansas City is unanimously in support of the Section 8(a) Certification Amendment of the Small Business Act (15 U.S.C. 637(a)) for the participation in federally funded projects so that a business that is 8(a) certified shall not be required to be certified by any State, or political subdivision thereof, in order to participate in any project that is funded, in whole or in part, by the Federal Government.

Eliminating the multiple certification process and providing more access to all State and local projects funded in whole or in part by the Federal Government will certainly decrease business costs and increase the system efficiency.

Thank you for your continuous support to the business communication and in particular the small business community, which is the backbone of the national economy.

Sincerely,

CICI ROJAS,
President, Hispanic Chamber of Commerce.

CARLOS ORTA,
Legislative Chair, Hispanic Chamber of Commerce.

MINORITY BUSINESS COUNCIL,
St. Louis, MO, Sept. 5, 2003.

Hon. JAMES M. TALENT,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR TALENT: On behalf of the 300 members and their 8800 employees, the St. Louis Minority Business Council wishes to express support for your proposed Section 8(a) amendment to the Small Business Act.

This critical amendment will remove one of the most significant barriers to our members gaining access to federally funded projects—multiple certifications. The elimination of the multiple certification process will provide our members with greater access to all State and local projects funded in whole or in part by Federal funds. In addition, this will greatly decrease business costs and improve the Section 8(a) program.

Thank you for your continued leadership and support of minority small businesses in the St. Louis area. We look forward to working with you in securing the passage of this very important amendment.

Sincerely,

JAMES B. WEBB.

HISPANIC CHAMBER OF COMMERCE OF METROPOLITAN ST. LOUIS,
St. Louis, MO, Aug. 8, 2003.

Senator JAMES M. TALENT,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR TALENT: We are pleased to inform you that the board of directors of the Hispanic Chamber of Commerce of Metropolitan St. Louis is unanimously in support of the Section 8(a) Certification Amendment of the Small Business Act (15 U.S.C. 637(a)) for the participation in federally funded projects so that a business that is 8(a) certified shall not be required to be certified by any State, or political subdivision thereof, in order to participate in any project that is funded, in whole or in part, by the Federal Government.

Eliminating the multiple certification process and providing more access to all State and local projects funded in whole or in part by the Federal Government will certainly decrease business costs and increase the system efficiency.

Thank you for your continuous support to the business community and in particular the small business community, which is the backbone of the national economy.

Sincerely,

RAFAEL NUN MARIN,
President.

Mr. TALENT. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to speak in opposition to this sweeping gag rule with which we have become familiar. It is against women's health. It has just been slipped into the omnibus spending bill. Even though most of this country is pro-choice, the House Republicans have inserted radical anti-choice language into this legislation.

One thing I have learned in my time in politics is that if one of the parties is shameless, the other party cannot afford to be spineless. I am pleased that my colleagues have caught on to what is going on here and are trying to make sure we all understand what is in this huge bill we are looking at. It deserves a thorough examination.

I think the Senator from Maryland indicated that if you recognize some mistakes in this pile of paper, one thing you know is that there are many others that lurk in the voluminous bill before us. So the effect of this Republican provision to allow doctors to be gagged from even discussing abortion with their patients is outrageous.

This morning, I heard our majority leader, Senator FRIST, say that the Senate should focus on ''putting the doctor-patient relationship first.'' But here the Republican majority is inserting language that would block doctors from even talking to their patients about legal medical procedures.

Under current law, if a doctor's religious beliefs prevent him or her from providing abortion procedures, then he or she cannot be forced to perform the procedure or even discuss it. That is called the conscience clause, and I think it makes sense. But what is in this omnibus bill goes way beyond the conscience clause. It is a gag rule that allows a hospital or an HMO to order its doctors not to perform, discuss, or even provide basic information on abortion, and that certainly is not putting the doctor-patient relationship first. That is putting politics first.

Even if a doctor believes that the information on abortion would be critical to saving the life of the mother, this new provision could be used to prohibit that doctor from providing such life-saving information.

To put it simply, this is an outrageous attack on women's health and women's rights.

In addition, this Republican provision overrides State laws. I asked the Senator from California a question as she was making her remarks: Would this eliminate the possibility that even though in the State of New Jersey, my State, for example, if we allowed under our State constitution the right for a woman to have an abortion, that it could be overridden by Federal law if this becomes law. And the answer is yes—state's would not be able to enforce their own constitutional protections. I guess the Republican Party suddenly wants to preempt State or local law from ensuring a woman's access because it does not suit their agenda.

My State of New Jersey has such a law, but now our law would be overridden by this Federal gag rule, and that is totally unacceptable.

The provision goes so far as to say that any State or local government that attempts to enforce its own laws or policies in the area of abortion could have all of its Federal labor health and education funding canceled—cancel the funding for those essential services.

My only complaint is this is not States rights, it is State bullying.

One year ago, President Bush—how well I remember it, and I am sure most of my colleagues do—signed an anti-choice bill into law. It was an extraordinary event not just because of the terrible bill that he was signing into law, but also it was quite an image that appeared in newspapers across the country.

This is the image. Look at the image again: Smiling faces of all men—all men. Not one woman Republican or Democrat stood with them when the President signed that bill. They are all men, and it is downright frightening. I call this photo a ''male-a-garchy.'' This photo says to women: Your right to make choices about your health and your body is being taken back from you, and these men are doing it, right here, with smiling faces, and the President, with pen in hand, is signing the bill.

This trend is going to continue to be enforced by this bill today. The bill before us takes away the decision-making power from women and doctors, and puts it into the hands of men who lead hospitals, insurance companies, and HMOs. Supporters of this gag rule claim this policy change is necessary to make sure that health care providers are not forced to perform abortions.

I want to make it crystal clear that under current law, no doctor or nurse in this country is required to provide or discuss abortions against their will. Unlike the conscience clause, this gag rule does not protect doctors' rights, it takes doctors' rights away. Doctors have a duty to ensure that patients

have access to accurate information so that they can make the medical decisions that are best for them.

This bill would gag them from providing that information and denies women the right to understand all of their medical options.

Women have the right to access to medical information about all of their options, not just those that the ''male-a-garchy'' wants them to hear. So I say to women across this country: Be aware, the right to choose is in dire jeopardy. This bill today is yet another attempt to chip away at the right to reproductive choice.

Look at the size of the bill that we have just received. It is thousands of pages. Hidden within these pages is the attack on a woman's right to choose.

It is wrong to take away people's rights by slipping it into a giant spending bill without any debate, without any discussion, and concealing it in such a way that if we were not lucky and did not catch it, even though it was suggested we are studying all of these bills—believe me, when there is that much paper and it arrives so late, one does not have time to do it, and it is just luck when it is found. To put it bluntly, it is not becoming of a democracy.

I am pleased the Senators from California have secured an ironclad agreement from the majority leader to take up this issue before the end of April of next year. We look forward to that debate. The American people deserve better. Open up the records. Talk about it plainly. Debate it fairly, and then if it comes to a vote, the people in the country will see who voted for and who voted against women's rights.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I speak for 10 minutes now and then when we go to the bill for an additional 20 minutes.

Mr. STEVENS. No objection.

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

The Senator from Arizona.

Mr. MCCAIN. Mr. President, beginning this year, during consideration of the fiscal year 2004 Omnibus appropriations bill, I stood on the floor and spoke about how our economic situation, our vital national security concerns, required us to take greater effort in prioritizing our Federal spending and we could no longer afford business as usual. Little has changed since January. Here we are again, nearly 2 full months into fiscal year 2005 and we have before us another appropriations monstrosity. Let me remind my colleagues that because of our inability to get much done under the regular order, this is the third year in a row we have had to pass a mammoth consolidated appropriations bill. In fact, we have been forced to consider huge Omnibus appropriations bills for 6 of the last 8 fiscal years.

This is a remarkable package. This is a remarkable thing. I would argue that not one Member of the Senate or our loyal staffs is physically capable, even if they wanted to, to read this many-thousand-page document. This system cannot continue.

Another thing that is very dispiriting, it always is considered at the last minute before we go out or the last hour or the last 2 hours. Why? Because the members of the Appropriations Committee know it will not bear scrutiny.

We were able to uncover an egregious action on the part of the committee that has been fully ventilated, but if we were going to go out next Monday night, we would be debating this Omnibus bill next Monday night. If we were going out Christmas Eve, we would be debating Christmas Eve. It is in the appropriators' benefit for us to do it at the last minute.

This many-hundred-page document deserves a lot more than my half-hour and the chairman of the Appropriations Committee's 20 minutes. Why? Why are we going to talk so little about it? I would like to talk for hours about it, but I do not have the courage to hold up the travel plans of all of my colleagues. So I am only going to talk for half an hour about a $388 billion, 1,632-page document. That is disgraceful. We are not doing what we should do for our constituents. We have an obligation to oversee their tax dollars.

I am going to talk about a number of the provisions. Some are fairly entertaining: The Clemson University, South Carolina Call Me Mister Program. We are going to spend money on the curriculum development on the study of mariachi music. I am going to go over some of them. They are remarkable.

The good old Rock and Roll Hall of Fame is back. We are going to give them some money again. The Rock and Roll Hall of Fame is hurting badly.

It goes on and on and on: beautification projects, libraries. We are back to the old snake management in Guam. That is only $515,000; $175,000 for research into tree fruits quality. All of them, of course, have a specific location. We are going to spend $443,000 to research and develop baby food containing salmon; $3 million for the Center for Grape Genetics in Geneva, NY; $2.3 million for an animal waste management research laboratory in Bowling Green, KY; $100,000 for the Puerto Rican Traveling Theater in the Bronx; $100,000 for the Cedar Creek Battlefield Foundation. By the way, the Cedar Creek Battlefield Foundation proudly proclaims on their Web site that they receive no Government funding and will continue to operate as an independent organization.

Then there is $100,000 for the Belle Grove Plantation, an 18th-century grain and livestock farm. Here is a great one, $1 million for the Norwegian American Foundation to fulfill its charter. What is the charter of the Norwegian American Foundation that they need $1 million of my taxpayers' money?

It goes on and on. The energy and water, of course, is $1.796 billion for construction of inland waterway projects; $12.5 million for the Dallas floodway extension; $24 million for portions of the Big Sandy and Upper Cumberland River Project. A couple of these projects that caught my eye are because they direct the Corps to continue with the construction of harbor projects in accordance with ''the economic justification.'' In other words, no cost-benefit analysis but economic justification. Then there is $324.5 million for Cape Girardeau, MO; $12 million, if it is going to continue, another one of the worst projects ever conceived by Congress, the Yazoo Basin, Yazoo Backwater Pumping Plant in Mississippi, in which the Clarion Ledger, a Mississippi newspaper, had to say in an editorial, ''Death of This Boondoggle Long Overdue'':

> So why does the Yazoo Pump Project survive-very few people would benefit and the plan is so costly . . . running it would be an ongoing destruction of wealth and wildlife. Yet pump proponents were at it again trying to resurrect this Frankenstein monster.

Core support for the International Fertilizer Development Center, $2.3 million. I had no idea we had an International Fertilizer Development Center, much less that it needed $2.3 million for core support of it.

I guess $500,000 for Idaho weed control; $2 million for Atlantic salmon grants; $790,000 for the Bering Sea Fisherman's Association. I guess the Bering Sea Fisherman's Association cannot raise their dues enough to sustain themselves. We have to give them $790,000. We go through this every year. Three million for Wheeling Jesuit University for the National Technology Transfer Center for a coal slurry impoundment pilot project; $20 million to Project GRAD-USA in Houston, TX, for continued support and expansion of the program focusing on school reform; $350,000 for the Rock and Roll Hall of Fame Museum in Cleveland for music education programs. Being a fan of rock and roll myself, I guess that is well justified.

The fact is we are looking at a deficit of enormous proportions where Alan Greenspan as recently as the day before yesterday warned us about the impact on our economy. Some of these, such as what is being done on NASA funding, is harmful to the mission and capabilities of NASA itself. According to information compiled from the Congressional Research Service, the total number of earmarks has grown from 4,126 to 14,040 in fiscal year 2004. In terms of dollars of earmarking, it has gone from $26.6 billion to $47.9 billion. That is in the space of 10 years.

If you extrapolate that, we are really on a remarkable path. I was shocked when I read a recent report ''Is Pork Barrel Spending Ready to Explode? The Anatomy of an Earmark'' by Ronald D. Utt, Ph.D., published by the Heritage Foundation, which details a new scheme by lobbyists to sell earmarks.

I ask unanimous consent that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Published by the Heritage Foundation, Nov. 10, 2004]

IS PORK BARREL SPENDING READY TO EXPLODE? THE ANATOMY OF AN EARMARK

(By Ronald D. Utt, Ph.D.)

A news item appearing this November in a Virginia newspaper reveals the emergence of what may be a lucrative new lobbying strategy that could substantially increase federal pork-barrel spending. In the past, earmark-seeking entities approached earmark-providing lobbyists for assistance in getting a piece of the federal budget. But in this new strategy, lobbyists openly sell such services to unserved institutions and individuals by convincing them that they might be eligible for an earmark, providing that they are willing to pay a four-figure monthly retainer.

The new strategy was recently revealed by way of a prospective earmark for a $3.5 million community sports complex in Culpeper County, Virginia. The county has just begun construction on the project, which was to be funded with the proceeds of a county bond offering the voters approved a few years ago. But that financial arrangement might change now that a lobbyist paid the county a visit and pointed out that, for a fee, the county could get the federal government to pay for the complex. As reported in the Free Lance Star, a county official says that ''he had been approached by a representative of Alcalde and Fay, a Northern Virginia lobbying group, who expressed optimism that funds for the $3.5 million sports complex could be tied to one or more federal appropriation bills.'' [1]

The article also noted that ''The cost of hiring Alcalde and Fay would be $5,000 per month, with an 18-month recommended contract.'' While the average American family might consider this a steep price, the prospective arrangement's payoff reveals what a bargain it is for the county. With their fees totaling $90,000 for a prospective federal grant of $3.5 million, Alcalde and Fay are, for all intents and purposes, selling federal taxpayer money for just 2.6 cents on the dollar. Anyone who has suspected that Washington places little value on taxpayers' hard-earned dollars now has an idea of just how diminished that value is—somewhat less than the market price for defaulted Argentine debt.

How the Culpeper transaction unfolds bears watching for several reasons. From the perspective of federal fiscal integrity, this new earmark strategy could open the floodgates to me-too projects across the country that would otherwise be funded with local resources. Just thirty miles down the road from Culpeper is the town of Fredericksburg, which is now in the process of committing itself, and its budgetary resources, to a $6 million recreation complex with indoor and outdoor swimming pools. Now apprised of Culpeper's prospective earmark, could the elected officials in Fredericksburg be faulted for ringing up a lobbyist of their own?

And in the not-too-distant future it is quite likely that the federal budget process will no longer take place in the halls of Congress, as the Constitution requires, but in the dozens of offices of Washington's top lobbyists—largely driven by generous contracts between the firms and their clients.

Another reason this process bears watching is for how it reflects on Congress. The lobbyist is proposing to sell something that is not really his to sell. That he believes he can deliver it tells us that something is terribly wrong in Congress. It is one thing for members of Congress to make pork-barrel spending promises to their constituents and deliver on them, but it is quite another that earmarks can be bought and sold like bushels of wheat on the open market by private speculators. And apparently, all this wheeling and dealing is taking place without any involvement (at least not yet) by a member of Congress.

As noted earlier, if Article I, Section 9, Clause 7 of the Constitution reserves exclusively to Congress the power of appropriating money from the U.S. Treasury, how is it that these lobbyists have come by the same privilege, and who has allowed it to happen?

That is a good question, and in the event that the County of Culpeper signs a contract with Alcalde and Fay to secure $3.5 million for the sports complex now being built, the Heritage Foundation, in partnership with fiscally responsible members of Congress, will closely track this process and determine how, and at what point, the writing of appropriations bills was outsourced to the lobbying community on a for-profit basis.

Alcalde and Fay, of course, is not the only firm engaged in the misdirection of federal resources through the pay-to-play process. In a process previously described (See Heritage Backgrounder No. 1527, ''Can Congress Be Embarrassed into Ending Wasteful Pork-Barrel Spending?''), the market for earmarks in appropriation bills has been growing rapidly and, given its profitability, will likely continue its robust growth. In recent years, some members of Congress and government officials—notably former OMB head Mitchell Daniels, Sen. John McCain, and Rep. Jeff Flake—have tried to dampen the practice, but they have had little success in cultivating a greater awareness of fiscal hygiene among the vast majority of their colleagues who believe that electoral success grants unlimited access to taxpayers' credit cards. Between 1997 and 2004, appropriations earmarks have increased from under 2,000 to over 10,000, and this year's failed highway reauthorization contained more than 3,000 pork-barrel earmarks, compared to 1,800 in the previous bill and only 10 in the highway bill passed by Congress in 1982.

That Congress once showed budgetary restraint and fiscal continence suggests that the propensity to earmark is not some inherent flaw in American democracy, but rather a willful irresponsibility now embraced by all too many members. Among the many tasks confronting the re-elected President Bush will be to reduce federal spending from its near record levels as a share of GDP and to narrow the deficit, which now hovers at $413 billion. A good place to find fiscal redemption is in the appropriation bills that will soon come across the President's desk. The first step in the process should be a sharply worded veto threat. It would be a welcome change if that veto threat included excess earmarks as one of many items that would merit a presidential rejection.

Mr. MCCAIN. I quote:

That Congress once showed budgetary restraint and fiscal continence suggests that the propensity to earmark is not some inherent flaw in American democracy, but rather a willful irresponsibility now embraced by too many members.

We now have a deficit of $413 billion.

A good place to find fiscal redemption is in the appropriations bills that will soon come to the President's desk. The first step in the process should be a sharply worded veto threat. It will be a welcome change if that veto threat included excess earmarks as one of the many items that would merit a presidential rejection.

Here is the stark reality of our fiscal situation. According to the Government Accountability Office, the unfunded Federal financial burden, such as public debt, future Social Security, Medicare, and Medicaid payments, total more than $40 trillion, or $140,000 per man, woman, and child.

To put this in perspective, the average mortgage which is often a family's largest liability is $124,000, and that is often borne by the family breadwinners, not the children, too. But, instead of fixing the problem, and fixing it will not be easy, we only succeeded in making it bigger and more unstable, more complicated and much more expensive.

I point out that it is well known that the President very soon will come over and ask for an additional $70 billion to fight the war in Iraq. I believe—and I said this a long time ago, and it is true today and it will be true when I say it again a year or two from now—we are going to be in Iraq for a long time. I pray every day that we prevail. I pray every day for the young men and women who are serving and in harm's way. But there is no doubt in my mind that we will have many billions of dollars yet to spend on Iraq and Afghanistan. All of us are aware we now face a growing threat from North Korea and a recent very serious one from Iran.

There is no one I know who is an expert outside the administration who does not believe we are going to have to spend a lot more money on defense, one reason being that our military is too small. We need as many as 80,000 more men and women in the Army. We need 20,000 to 30,000 more men and women in the Marine Corps. It is all going to cost money. But, instead, we are going to spend tens of billions of dollars in wasteful and unnecessary spending and increase this debt on future generations of Americans.

We can't afford to do this. We cannot afford to continue a broken system such as this, where the night we are going out of session we have a 1,630-page bill that none of us have seen or read and in which a particularly onerous provision which, if it hadn't been for the Senator from North Dakota bringing to our attention, would have been an unprecedented invasion of the American family's privacy. But there are other provisions in this bill which no one has seen or read.

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

Mr. STEVENS. Mr. President, I ask unanimous consent the Senator have additional time, if he desires it.

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

Mr. MCCAIN. Mr. President, The Conference Report, once again, contains earmarks of $10 million for the Alaska Fisheries Marketing Board—is there something wrong with these fish that warrants such an expensive program to convince us to eat them? And now it also has $1 million for the Wild American Shrimp Initiative. I am hoping

that the appropriators could explain to me why we need $1 million for this—are American shrimp unruly and lacking initiative? Why does the US taxpayer need to fund this ''no shrimp left behind'' act?

At the Department of Justice, Section 619: $100,000 for the Puerto Rican Traveling Theater in Bronx, NY for outreach and programs. This theater has produced 104 plays in both English and Spanish, and is not community based; $100,000 for The Cedar Creek Battlefield Foundation. It preserves lands where battles were fought, reenacts battles. It proclaims on their website that ''the Cedar Creek Battlefield Foundation receives no government funding and will continue to operate as an independent organization.''

Then $100,000 for the Shenandoah Valley Travel Association. This association presents a comprehensive tourism guide to attractions, lodging, restaurants, shopping and other services.

And $100,000 for the Belle Grove Plantation. Belle Grove is a preserved 18th-century grain and livestock farm.

And $1,100,000 for the MountainMade Foundation for outreach and promotion, the education of artists and craftspeople, and to promote small businesses, artisans and their products.

And $1,000,000 for the Norwegian American Foundation to fulfill its charter. This foundation promotes further cooperation among all Norwegian American organizations.

Mr. President, while I understand that the omnibus before us is a glaring and wasteful sign of the Senate's failure to consider and pass individual appropriation bills, I had hoped that the bill would succeed in hold the line against wasteful and unnecessary pork following a vote to raise the debt limit. My colleagues have become accustomed to my railing against pork-barrel spending, but if there was ever a time when we all needed to rally against it for the good of our country, our economy, and our current commitments and security priorities, it is now.

This bill in no way reflects the fiscal realities of our times. One can go directly to the energy and water appropriations section of this bill to take a quick read of the pork fantasies that federal taxpayers will be plagued by.

Senator FEINGOLD and I sent a letter to leadership last week urging the exclusion of Water Resources Development Act provisions because of the costly and wasteful water projects included as well as the neglect of much-needed Army Corps reform. I am heartened to see that the bill with the full compliment of costly water projects was not included. However, there are billions of dollars earmarked for a host of water projects.

Let's start at the top of the big ticket list-$1.796 billion is provided construction of inland waterway projects. I was relieved to see that funds are provided for the rehabilitation of specific locks in the Upper Mississippi-Illinois Waterway, but not for the incredibly wasteful $2.3 billion locks expansion project.

This project has received attention in papers throughout the country because it is such an extreme example of a very expensive and unnecessary water project that some members are determined to foist on American taxpayers. A New York Times editorial from November 18th discussing the possible riders to be attached to the omnibus bill stated, ''but the worst by far is a proposed $2 billion expansion of the lock system on the upper Mississippi River, a project that the National Academy of Sciences has twice reviewed and twice declared a waste of money.''

After a conscientious economist at the Corps blew the whistle on this project and heads rolled, the National Academy of Sciences undertook a study of the project and then a second oneI guess just in case Congress was ignoring the first one- and both conclude that this project cannot be justified by current or projected barge traffic and there are inexpensive and effective alternatives available.

And in spite of this irrefutable, objective information, there have been concerted efforts to get Congress to approve spending $1.8 billion dollars to satisfy special interests instead of the public interest. It's wrong and its shameful. Speaking of interests, the interests of your own state would also be affected by this project because it will suck up such a significant percentage of the Corps program funding there just won't be enough to go around in years to come.

Next to the mother of all wasteful Corps projects, other earmarks look downright insignificant: $12.5 million for the Dallas Floodway Extension, $24 million for portions of the Big Sandy and Upper Cumberland River Project, and a not too surprising number of Alaska projects. A couple of these caught my eye as they direct the Corps to continue with the construction of harbor projects in accordance with ''the economic justification'' contained in the Engineers report. I've not seen the cost-benefit analysis of these projects but this language ensures that there won't be any question regarding their justification.

The rest of this section of the bill is a litany of multi-million dollar projects earmarked for Missouri, California, Hawaii and other states and I hope that these are all worthy projects. There is $324.5 million provided for flood damage reduction in Cape Girardeau, Missouri and I don't know where all that money is going but $12 million of it is going to continue another one of the worst projects ever conceived by Congress. This is the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi which I've spoken against on the Senate floor before. Well, its back.

Again, this is another of those projects that newspapers like to write about in pointing out the folly of congressional spending. Here's what the Clarion Ledger, a Mississippi newspaper had to say in an editorial titled ''Death of this Boondoggle Long Overdue'', ''So why does the Yazoo Pump Project survive—very few people would benefit and the plan is so costly . . . running it would be an ongoing destruction of wealth and wildlife. Yet pump proponents were at it again trying to resurrect this Frankenstein monster''. The New York Times concurred, ''Yazoo Pump ranks among the most indefensible projects undertaken at Congressional behest. It would drain 200,000 acres of valuable wetlands . . . and would benefit nobody except a relatively small number of big growers, who already drink copiously from the public trough''.

I highlight this egregious project among others to make the point that this bill clearly reflects that we are not doing our essential job of expending public funds wisely and responsibly and if not now then when will we ever take this duty seriously?

The report language earmarks up to $2,000,000 for Water Missions International to develop clean water treatment projects in developing countries; At least $4,000,000 for the International Fertilizer Development Center; $1,000,000 directed for support of the United States Telecommunications Training Institute; $1,000,000 for the International Real Property Foundation; $3,000,000 for Internews, to promote freedom of the media in Indonesia; $3,000,000 for the Foundation for Security and Sustainability; and $2,000,000 for Zanmi Lasante.

Mr. President, the Interior bill language also includes individual location specific earmarks and provisions in this section of the legislation. Of note: a provision stating that, out of amounts for Resource Management maintenance is provided for the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; a provision stating that, notwithstanding any provision of law including NEPA, nonrenewable grazing permits authorized by the Jarbidge Field Office, Bureau of Land Management within the past 8 years shall be renewed; $1.5 million is earmarked for wood products wastewater treatment plant repairs in Canton, NC; $5.0 million is earmarked, in addition to its normal allocation, to Alaska Region to establish a 3-year timber supply; $18 million is earmarked to continue a multi-year project coordinated with the private sector for FutureGen in Alaska; $50 million is made available for a request of proposals for a Clean Coal Power Initiative for competitively awarded research, development, and demonstration projects; $18 million is made available to carry out naval petroleum and oil shale reserve activities; $500 million, which was not requested by the President, in included as additional funding for wildland fire suppression funds for fiscal year 2005.

Mr. President, I did not have enough time to count every earmark in division E of the conference report, but it is safe to say that there are well over 1,000 individual location specific earmarks in this section of the legislation. Of note: $500,000 for Idaho weed control; $2 million for Atlantic salmon grants administered by the National Fish and Wildlife Federation; $500,000 for Lahonton cutthroat trout; $1.8 million for eider and sea otter recovery at the Alaska SeaLife Center; and $250,000 for concho water snake delisting efforts in Texas.

For the Bureau of Land Management there are 32 location specific earmarks for land acquisition, including $3.4 million for the Baca National Wildlife Refuge in Colorado and $2 million for the James Campbell National Wildlife Refuge in Hawaii. These 32 earmarks amount to almost $23 million in spending.

The National Recreation and Preservation provisions include $2.5 million for the Chesapeake Bay Gateway and $750,000 for the Alaska National Parks. The Historic Preservation Fund is loaded with 84 location-specific earmarks totaling $15 million. There are 78 earmarks in the construction account totaling approximately $192 million. Some of the more egregious examples of these earmarks include: $8.7 million for the Crater Lake National Park in Oregon; $3.0 million for the Blue Ridge Parkway in North Carolina; $7.4 million for Denali National Park in Alaska; $10.8 million for Gettysburg National Memorial Park in Pennsylvania; $10 million for the Lassen Volcanic National Park in California; $15.5 million for Olympic National Park in Washington; and over $15 million for Yellowstone National Park.

Mr. President, every year I marvel at how well the residents of Alaska make out in these appropriations bills. This year is no exception. Throughout the division E, earmarks for Alaska abound. Just a sampling of these projects include: $1.2 million for the Alaska mineral resource assessment program; $100,000 for the Alaska Geological Materials Center; $150,000 for the Alaska Whaling Commission; $900,000 for the Marine Mineral Technology Center; $98,000 for the Alaska Sea Otter Commission; $790,000 for the Bering Sea Fisherman's Association; $346,000 for the Chugach Regional Resources Commission; $750,00 for the rural Alaska Fire Program; and $750,000 for the Alaska native aviation program.

Out of the Employment and Training Administration account the bill provides the following amounts for noncompetitive grants: $2,200,000 for the AFL–CIO Appalachian Council, Incorporated; $1,500,000 for the AFL–CIO Working for America Institute; $4,000,000 for the Black Clergy of Philadelphia and Vicinity; $2,600,000 for the National Center on Education and the Economy.

Out of the Departmental Management Salaries and Expenses account the bill provides: $7,000,000 for Frances Perkins Building Security Enhancements.

Out of Department of Labor project pilots and demonstrations, the statement of managers suggests the following earmarks: $100,000 for 413 Hope Mission Ministries, Philadelphia, PA for employment skills training for disadvantaged adults and ex-offenders; $500,000 for Alaska Department of Labor and Workforce Development, Juneau, AK to fund training for gas pipeline workers; $200,000 for Central State University, Wilberforce, OH, to implement a world class modular automation training system; $225,000 for Cook Inlet Tribal Council for the Alaska's People Program in Anchorage, AK; $50,000 for Fashion Business, Inc., Los Angeles, CA, for workforce development and training; $500,000 for Mississippi State University, Starkville, MS, Robotics and Automated Systems for Nursery Industry.

Out of DoL Mine Safety and Health Administration, the statement of managers suggests the following earmarks: $750,000 for infrastructure improvements at the Mine Academy in Buckley, WV; $3,000,000 for Wheeling Jesuit University for the National Technology Transfer Center for a coal slurry impoundment pilot project.

This conference report includes funding for a number of important public health programs and research activities funded through the Department of Health and Human Services (HIS). However, the appropriators were once again unable to allow the Department to allocate funds through merit based grants and took it upon themselves to select projects which they believe to be worthy of funding. The HHS section of the Joint Explanatory Statement includes 53 pages full of more than 1,400 earmarks, totaling over $603 million.

Some particularly large examples include: $10 million for the Medical University of South Carolina Oncology Center in Charleston, South Carolina, for the construction of the Allied Health Technology Tower; $10 million for the Shepherd University in Shepherdstown, West Virginia, for the construction of a nursing education facility; $10.25 million for the University of Louisville, in Louisville, Kentucky, for the Baxter III Research Building; $10 million for the University of South Alabama in Mobile, Alabama; and $10 million for the West Virginia University for the construction of a Biomedical Science Research Center.

It shouldn't be surprising to any of my colleagues that the section of the Joint Explanatory Statement for the Department of Education is again loaded up with pork barrel projects designated to schools and organizations which the members of the Appropriations Committees, rather than the Department of Education, deemed worthy of federal dollars. In the 43 pages of the statement, devoted exclusively to pork, the appropriators included an estimated 1,147 earmarks, amounting to well over $392 million.

Among the more egregious examples is: $20 million to Project GRAD–USA Inc, in Houston, Texas, for continued support and expansion of the program focusing on school reform; $18 million to provide assistance to low-performing schools in the Commonwealth of Pennsylvania Department of Education; and $15 million for the Iowa Department of Education to continue the Harkin grant program.

$350,000 for the Rock and Roll Hall of Fame and Museum in Cleveland, Ohio for music education programs.

I am sure that many Americans would be surprised to learn that there are even state specific earmarks in the Legislative Branch Appropriations. The appropriations bill that is supposed to fund the work of Congress and its related offices is also being used to ''bring home the bacon.'' The bill specifically earmarks $300,000 in funding from the Library of Congress (LOC) for the University of South Carolina for the preservation of Movietone Newsreels. The Joint Explanatory Statement mandates that the LOC establish a program under its Adventure of the American Mind initiative in Georgia. Clearly both are worthwhile endeavors, but why are the University of South Carolina and the state of Georgia more deserving of these distinctions then any other university or state.

The conference report provides $1.1 billion more than requested by the President for the federal-highway program. All of the extra funding, plus another $100 million, is used to $1.2 billion for 795 earmarked projects. Among the projects deemed worthy of funding are: Access to the Ebenezer Swamp Wetlands Interpretative Center in Alabama ($225,000); The Girl Scouts Golden Valley Council bridge project in California ($150,000); Farm crossings in Ventura County, California ($500,000); and Streetlights and a salt dome for Markham, Illinois ($300,000).

The conference report prohibits the use of funding to implement or enforce any provision of the new hours of service regulations to operators of utility service vehicles, or to the transportation of property or passengers to or from a motion picture or television production site. I find this particularly ironic given the fact that Congress, as part of the 8-month extension of the highway program passed in September, mandated that the new hours of service regulations remain in place for the next year in spite of the decision of the DC Circuit Court of Appeals striking down the regulations as arbitrary and capricious.

The conference report provides $1.217 billion for Amtrak, $317 million above the amount supported by the President without significant reform and restructuring, continues strong oversight by the Department of Transportation, and requires Amtrak to begin paying back its $100 million loan from the Federal Railroad Administration. While I am

relieved that the appropriators continue to resist Amtrak's pleas for significantly higher funding, I am concerned about that Amtrak will use its appropriation to simply continue operating the same train network, and continue to rack up record operating losses.

I agree completely with the conclusions reached yesterday in a report by the Department of Transportation's Inspector General on Amtrak's 2003 and 2004 financial performance and requirements. The report states that ''The bottom line is that the existing system is not sustainable at current funding levels . . .'' and that ''Amtrak's management must find ways to reduce its need for operating subsidies and set better priorities for capital dollars.'' As I have said many times, it is time to restructure Amtrak. Amtrak should focus on short-distance corridors where rail service can compete with other modes of transportation, and the long distance trains should be restructured or eliminated. If Amtrak won't follow implement this strategy, then it is the responsibility of Amtrak's Board of Directors, the Secretary of Transportation, and Congress to make it happen.''

The conference report also contains a provision that would expand an existing waiver for the state of New Hampshire from the 80,000-pound truck weight limit on the Interstate System. Trucks would be allowed to operate at up to 99,000 pounds on Interstates 89 and 93 (in addition to I–95 which is current law). Bad, Very Bad.

The conferees state that returning the Shuttle fleet to flight should be NASA's highest priority because it's the first step in the Space Exploration Initiative. Just two weeks ago, NASA notified the Commerce Committee that the Shuttle return to flights costs for fiscal year 2005 alone would exceed $762 million. The Commerce Committee awaits NASA's plan for covering these costs. Whatever the plan, it is only further complicated by the fact that the conference report contains 16 pages of earmarks in the NASA budget, including such things as $1,000,000 to the Southern Methodist University to develop multifabrication manufacturing technology, $750,000 for the GeoTREE project at the University of Northern Iowa, and $3,000,000 for our familiar friend, the ultra-long balloon program at New Mexico State University.

The conferees go on to say that if NASA needs more money just send in a supplemental request. It would be given full and fair consideration by Congress. Maybe we should just send the blank check now and ask NASA to fill it out. This type of behavior represents no accountability and actually encourages NASA to spend without regard to budgetary reality.

The liberation of NASA continues by the conferees' granting NASA unrestrained transfer authority between the ''Exploration Capabilities'' account and the ''Science, Aeronautics, and Exploration'' account. This was requested by NASA and granted by the Appropriators under the disguise of the need for flexibility to transition to full cost accounting. These two accounts represent over $16 billion. In essence we're saying, ''NASA, do what you want with the money.'' The statement of managers goes on to say that the transfer authority can be used for purposes other than addressing full cost accounting, but that NASA should ''do so with restraint.'' I don't understand—the statement of managers earlier specifically said that would have ''unrestrained transfer authority.'' What's the ''do so with restraint'' all about?

Inserted in the last section of the omnibus, in a miscellaneous section, is a provision which would modify federal pension laws for multiemployer pension plans covering employees working in the State of Alaska.

Title 6 in CJS, Page 170—prevents FCC from implementing February 27, 2004 recommendation of the Federal-State Joint Board on Universal Service that universal service fund (USF) support only be provided to primary lines in order to keep the USF solvent.

This section removes the ability of the FCC to act of the recommendation of the Federal-State Joint Board on Universal Service advocating that universal service funds should be used only toward consumers' primary telephone line.

This is a significant limitation on potential action by the FCC. I object to this provision because it should have been considered, reviewed and acted upon by the members of the Committee of jurisdiction, the Senate Committee on Commerce, Science and Transportation, before being enacted into law. No member of the Committee approached me requesting to move legislation on such a limitation. I am unable to state whether this is a good policy decision because, similar to the FCC, the Committee of jurisdiction was not provided the courtesy to review and consider the proposed policy change.

In CJS, missing page 60—which covers funding for NTIA, which is under Commerce jurisdiction, so unknown funding levels.

As Chairman of the Committee of jurisdiction over National Telecommunications and Information Administration (NTIA), I regret that I am unable to comment on the appropriations levels for this administration because the levels were not made available in the text of the bill. Although this may be merely a clerical error, it is unacceptable, nonetheless.

In CJS, section 112—Alaska Telecommunications provisions to resolve several pending FCC proceedings involving investigations into Alaska rate tariffs and reviews Alaska telecommunication rates.

This section, slipped into the omnibus under the cloak of darkness, removes the ability of the FCC to act on several pending proceedings affecting the rates of Alaskan telecommunications services.

I object to this provision because it should have been considered, reviewed and acted upon by the members of the Committee of jurisdiction, the Senate Committee on Commerce, Science and Transportation, before being enacted into law. Additionally, the FCC was nearing competition of the proceeding and the Committee could have acted in response to the FCC's actions if Congress found the outcome to be detrimental to Alaskan consumers. No member of the Committee approached me requesting to move legislation to end the tariff investigation and other proceedings involving Alaska telecommunications services. While I understand both parties to the tariff dispute support the provision included in the omnibus, I am unable to state whether I support it because the Committee of jurisdiction was not provided the courtesy to hold hearings and mark up legislation on the issue.

I object to the inclusion of this legislation in the omnibus. I actually support the content of this legislation, which is the product of lengthy negotiations among the Judiciary and Commerce Committees of both Houses. The bill ensures that rural consumers will continue to enjoy network programming, and for the first time, provides a means for these same consumers to enjoy high definition network programming via satellite. I nevertheless regret that this important policy was added to an appropriations vehicle.

The PRESIDING OFFICER. Who seeks time? The Senator from Alaska.

Mr. STEVENS. I send to the desk a joint resolution.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senate is in a period for morning business with Senators allowed to speak for up to 10 minutes.

Mr. STEVENS. I withdraw that.

The PRESIDING OFFICER. Who seeks time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, earlier the Senator from Idaho indicated this provision that would allow Appropriations staffers, the designees of the Appropriations Committee leadership, to access any tax return in the country would not become law. I listened to that. I hoped it was not the case. But I don't see any way that, if we pass this bill tonight, this provision does not become law.

Let me just go through where we are, at least my understanding of where we are. I would like to be corrected if I am wrong.

In this bill, these 3,000 pages that have been put before us today and we are asked to vote hours later, that spends $388 billion, there is a provision that says the agents of the Appropriations Committee can have access to any tax return in the country and that there is no legal protection for them. That is the provision that is here. It

has already passed the House of Representatives. If we pass this bill tonight and it goes to the President for signature, that will become the law of the land.

I am understanding that Senator STEVENS, acting in good faith here—and he is acting in good faith and he is, I think, doing his level best to try to correct this—is proposing the passage of a concurrent resolution that would pass here.

Mr. STEVENS. Joint.

Mr. CONRAD. A joint resolution removing this provision. But that would be subject to the House acting and the House will not be prepared to act, I am told, until December 6. At the same time, we are running out of time on a continuing resolution and the President will be required to sign this Omnibus bill, I am told, before that continuing resolution removing this power, this ability to have agents look at any tax return in the country and release them without any penalty, without any civil penalty, without any criminal penalty.

When the Senator from Idaho says this will not become law, that is not right. This will become law if we pass this tonight. That is my understanding. I would like to be corrected if that is not the case.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. The Senator is correct that the provision would stay in the law. But we will pass a joint resolution. It is my understanding that will be passed and the Speaker of the House and chairman of the Appropriations Committee guaranteed this would be the case when the House reconvenes.

Meanwhile, it is our understanding that the President of the United States will issue a statement when he signs the bill that this section shall be disregarded because of the action taken by the Senate and the commitment of the House to act when it comes back. I think that is a good-faith effort to correct a serious mistake, a terrible mistake.

The Senator is right about the section. But I want to assure him the implication that either the chairman of the House committee or I, as chairman of this committee, ever wanted such authority is wrong. We never sought it. It was an accident, a mistake. A representation was made by one staff member that the front office in the other body had cleared this. On the basis of that, it was put into the section.

When it was before the bipartisan staff in both Houses, it was not even noticed. Under the circumstances, it is something the Senator from Arizona criticized and I too criticize it. It is something contrary to anything I have ever had happen in over 30 years on the committee. But it can be corrected and the law will not be permitted.

By the way, it takes the request of the chairman of either House to trigger it. We have stated categorically we will not trigger this section. It is not available to anyone else. It is available only to the chairman of the House Appropriations Committee or the chairman of our Senate committee. And I have stated categorically on the record we would never use that. We didn't seek this authority. We are as appalled as the Senator from North Dakota. I hope you would rely upon our good faith to try to correct the staff error. Certainly no Member of Congress that I know of, other than the person who originally suggested it in the House, ever sought this. I am led to believe the language is not what he sought, but it is one of those things that happened at the last minute. It is a terrible thing.

We are in this situation because we never had a budget. We never passed our appropriations bills at the time we should have. We had to construct a ceiling we would operate under. Senator BYRD and I have tried our best to comply with the circumstances. But we didn't get the chance to even look at it—the Appropriations Committee on these nine bills—until after we came back from the August recess. We have been under pressure now since we came back. We have been under pressure now for 3 days. Some of my people haven't slept for 2 days, and one of them made a mistake—one of my staff. I can tell you he had not had sleep for 2 days.

This is a serious situation. It shouldn't happen. The Senator from Arizona is right. It should never happen. I pray to God it will never happen. It will not happen under my watch. My watch is over tonight, but I guarantee you that during the time I am chairman, I will not use this authority and it will be taken out of this bill.

The first reaction of the chairman from Florida, BILL YOUNG, was, take it out; take it out now. I share that reaction.

I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, let me say that I have no question about the good faith of the Senator from Alaska—none. His word is good for me because he has demonstrated repeatedly to me his word is good.

The problem I have is I am about to be asked to vote for this measure and it will become law. The President can make any declaration he wants upon signature of the law that he doesn't consider it effective. That has no legal standing. The fact is the House has passed this. If we now pass it, and the President signs it before that joint resolution is effective, this will become the law of the land. And it is a mistake. It shouldn't happen. It should never have happened.

I know this was not moved by any Member of the Senate. I know this happened as a result of something that happened on the House side. Staff were involved on the House side, and misrepresentations were made about clearances being made.

The fact is this is in the bill. We have to think about what this law provides. This says an agent of the Appropriations Committee could get unlimited access to tax returns in this country and have absolutely no legal penalty for releasing it to the public. They could call up the tax return of any Member of the U.S. Senate, any individual in this country, any writer for any newspaper.

Mr. STEVENS. Will the Senator yield?

Mr. CONRAD. Yes. I would be happy to yield.

Mr. STEVENS. I don't read anything in this provision that either chairman can release the information. He makes the assertion that if we use this power, we can release it. There is no such provision.

Mr. CONRAD. I beg to differ with the chairman. I am an old tax administrator. I know tax law. This provision says very clearly:

> Notwithstanding any other provision of law governing the disclosure of income tax returns or return information, upon written request of the Chairman of the House or Senate Committee on Appropriations, the Commissioner of the Internal Revenue Service shall hereafter allow agents designated by such chairman access to any Internal Revenue Service facilities and any tax returns or return information contained therein.

Because it says ''notwithstanding any other provision of law,'' that sweeps aside all of the privacy protections that are available in law.

Mr. Chairman, I have great respect for you. This provision is clear in terms of its legal impact.

Mr. STEVENS. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. STEVENS. If the Senator says he has respect for this Senator, he will believe me. We didn't ask for that authority. We would not use that authority. We detest this section, and I am tired listening to people say somehow or other we intended to use it. We don't intend to use it. It is going to come out of this bill. It is going to come out of this law and it is not going to be used. I don't know how I can be any firmer. I am tired of it. We have been working hard on this bill. We did not do this. To imply we did—either Congressman YOUNG or I did it—is wrong, wrong.

Mr. CONRAD. I did not imply that the Senator did this.

Mr. STEVENS. The Senator implied that I will use it; that I would disclose it.

Mr. CONRAD. Senator, it is in the law if we pass this bill tonight. Senator, I say through the Chair, the point is this: I am not questioning the chairman. I am not. But I am questioning this body tonight passing this legislation that has already been passed by the House, and it becomes the law of the land upon the signature of the President of the United States. That is wrong.

Part of the reason we are here is because we have a process that has broken down. We have a process that has produced a 3,000-page bill that gets slapped on our desk and we are told to

vote on it in a few hours without knowing what is in it. It is wrong. It is wrong.

Mr. STEVENS. Will the Senator yield again?

Mr. CONRAD. I would like to finish and then I would be happy to yield for any question of the Senator.

Let me say this: For a number of years we have had this process ongoing. In 1988, President Reagan, in a State of the Union Message, told us never again; don't send me another bill like it because I am not going to sign it. He was right. He said in his 1988 State of the Union that you have sent up here a 1,100-page bill and you had 3 hours to review it. You don't know what is in it. Nobody knows what is in it. Don't do it again. Don't send me another bill like this because I will not sign it.

Here we are tonight. We don't have a 1,200-page bill, or 1,100—we have 3,300 pages. We don't know what is in this bill. There are a handful of people who know what is in this bill. Most of us don't know what is in this bill. If somebody, some sharp staff had not caught this, we would be making this the law of the land.

Now I find out there is no way to prevent this from becoming the law of the land if we pass this bill tonight.

That, to me, is a mistake.

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

The Senator from Alaska.

Mr. STEVENS. Mr. President, I want to state again the protection for the minority on this bill was in the people who were with my staff when it was read through. If there was a mistake in it, it is borne equally by your side of the aisle as well as ours. I have accepted the total responsibility as chairman. No question about it; a bad mistake was made. But let me go back.

Senator BYRD and I begged for a budget resolution in May, in June, in July, and when we came back in September. We didn't get a budget resolution. The Senator is on the Budget Committee. Why didn't we get a budget resolution? We said if we don't, we will have another one of those nights when we will have a big Omnibus appropriations bill. I preached it right here on the floor. I will dig it out, if you want. I said if you don't, we will have a midnight session again trying to get a bill through that no one knows what is in it because we have had to move and move these limits.

There are provisions in this bill that must become effective or people will lose rights as of Sunday. We are trying our best to get it done. A mistake has been made. I hope the Senate would take my word. It is my word. I don't think I have ever broken my word to any Member of this Senate. That was a mistake. It says as chairman of the Appropriations Committee I can trigger that and ask for access. I have said I would never do it. I did not seek it. The chairman of the House did not want it. He is appalled by it. It is a provision that, even if it becomes law, cannot be utilized except by BILL YOUNG and me, TED STEVENS. We have said we will not do it.

Isn't that enough? Isn't that enough? Do I have to get down on my knees and beg the other side?

This bill must become law because people have rights that will be affected by it if we don't pass it until we come back in December. That is all there is to it. It is not my fault. I hate working under these pressures. My staff hates it. As a matter of fact, it is a terrible way to do business, but I had nothing other than to try to do it.

As a matter of fact, we had to take one bill and do it in the last 3 days because we could not get agreement between the people involved. It has been a terrible bill to handle.

I hope the Senate appreciates the work that people have done this last week to try and get to the point where we could pass it before we left.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, with respect to the Budget Committee, I am on the Budget Committee. I am not the chairman of the Budget Committee. Our friends on the other side were in control of the House and the Senate. Failure to get a budget resolution was not on our side. Failure to get a budget resolution lay on their side.

But that is not the point of this discussion tonight. The point of the discussion tonight is we have a process that is broken. There is no better evidence than the fact that we have a provision that would open the tax returns of every American, every American company, to some staffer in the Appropriations Committee, with absolutely no penalty on that staffer if they were to release the private information contained in that individual's tax return. That is wrong.

The chairman of the committee says, I never sought this power. I believe him. He said the chairman of the House never sought the power. I believe him.

The fact is, the provision is here. Somebody wanted it. Somebody got it in here. The fact is, the current chairman of the committee is not going to be the new chairman of the committee. And the same is true on the House side. These two Senators have said they would not use the power. How about the two Members who are going to be the chairmen? They would be able to use the power because if we vote for this bill tonight, with this mistake in it, unfortunately, it will become law.

I don't want to explain to my constituents back home that every tax return in America is open to some staffer and there is absolutely no legal penalty for them making it public. That is a serious mistake. There is a desire to take this out. Let's take it out.

I ask unanimous consent these provisions be deleted from this bill. I am specifically referring to section 222 of the provisions that are found on page 1,112 of the bill.

Mr. STEVENS. I object.

Mrs. BOXER. Mr. President, I am a little confused. I am really confused.

Senator CONRAD, who brought this issue to the Senate's attention, solves the problem by asking unanimous consent to take this offensive language out of the bill, this "Big Brother is watching you and your tax returns" out of the bill, and the passion showed by Senator STEVENS in his previous remarks, I was really taken in by them. I felt that he was really upset and that he wanted to resolve this matter. Yet we have an objection to take this out.

If the House went home, bring the House back. They shouldn't have gone home with this terrible provision pending.

I don't quite understand what just happened. I guess there will be an explanation, but let the record be clear there was objection from the Republican side to take out this offensive language which gives permission for the chairman of the Senate and House Appropriations Committee to designate staff to look at any American's tax return, any business tax return they decide they want to spy on.

There was a unanimous consent request to delete that by Senator CONRAD, and there was an objection. I am confused. We could have resolved that, and it could have been taken care of, but instead we have an objection. I am sure there is a good reason. Maybe Senator STEVENS will explain it, but deleting the language resolves it on our side, and we can get on with the bill.

I have a problem with the health issue in this bill that is going to adversely affect women of America. I talked to Senator STEVENS. He was very honest and said it had to stay in because of the House, but I was able to work with Senator REID and Senator FRIST and we got agreement and I will not object because we will have a chance to vote up or down on that offensive legislation sometime before April 30.

Senator CONRAD made a very wise motion to, essentially, ask unanimous consent to remove the offending language, and we could have resolved it.

I am confused.

I yield the floor so my colleague can have his own time.

The PRESIDING OFFICER. Who seeks time?

MAKING A CORRECTION IN THE CONFERENCE REPORT TO ACCOMPANY H.R. 4818

Mr. STEVENS. I send a joint resolution to the desk and I ask unanimous consent we now proceed to this joint resolution, that it be read three times and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. STEVENS. I renew my request, Mr. President.

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

The clerk will report.

Mr. STEVENS. I ask unanimous consent we proceed to the resolution, it be read three times and pass, and the motion to reconsider be laid upon the table.

Mr. BYRD. I did not hear the request.

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

Mr. BYRD. I did not hear the request.

The PRESIDING OFFICER. The request is that the resolution be considered read three times, passed, and the motion to reconsider be laid upon the table.

The Chair asked twice if there was objection, and hearing none, the resolution has been considered passed, and the motion to reconsider is laid upon the table.

The joint resolution (S.J. Res. 42) was read the third time and passed, as follows:

S.J. RES. 42

In the conference to accompany H.R. 4818, House report 108–792, Section 222 of Title II of Division H, Departments of Transportation and Treasury, Independent Agencies, and General Government Appropriations Act, 2005, shall have no force and effect.

Mr. MCCAIN. Parliamentary inquiry: What is the effect of what was just agreed to?

Mr. STEVENS. May I answer that?

Mr. MCCAIN. I withdraw my parliamentary inquiry. I have an understanding from our capable staff.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). The Senate is in a period of morning business, with Senators allowed to speak for up to 10 minutes. Who seeks time?

The Senator from West Virginia.

THE APPROPRIATIONS PROCESS

Mr. BYRD. Mr. President, the Senator from Alaska and I have, for months, been importuning the Senate, the leadership, and anyone else who will listen, not to end this session with the passage of an Omnibus appropriations bill. I have, for years, opposed passage of Omnibus appropriations bills.

We have seen within these last few years, especially, this excrescence on the skin of the body politic grow until now it has become malignant.

I warned and warned and warned against Omnibus appropriations bills. I have complained that the leadership of the body has not worked diligently to prevent our being caught with our backs against the wall at the end of the session and with the absolute necessity at that point to act in haste and to act upon many appropriations bills at once, with all that portends. That makes it difficult, if not impossible, for Members to examine what is in the bill.

So much of this is done at the hour of midnight and beyond. Staffs have to read through these bills and work on them, and Senators who cannot do that have to depend upon the work of those staffs. They are literally dead, as it were, with fatigue when they do this job this way.

I have, time and time again, said to Senator STEVENS: I hope we will avoid Omnibus appropriations bills. There is no good served with Omnibus appropriations bills. When that happens, we invite the executive branch into the exercise. It seems my colleagues, so many of them on both sides of the aisle, do not view that as a danger to the Senate, a danger to the constitutional system, and really a danger to the liberties of the people.

We should pass 13 appropriations bills every year. I said that time and time and time again. The distinguished chairman of the Appropriations Committee at this moment, Senator STEVENS, has done his level best to get 13 appropriations bills passed and brought to the floor.

But I tell you, my friends, we have lost too much time with other things that could have waited, and now we find ourselves in the bind, when we do not have enough time to do the proper work on these appropriations bills. I am sick of this process. I am ashamed of it. I do not know if there will ever be a better example of what can happen, what can go wrong with this nefarious process of putting off legislation.

Appropriations bills are the only bills we actually have to pass. They are bills to keep the Government running. This has to do with the oversight process, the examination of witnesses through the appropriations hearings. This is the absolute best form of oversight, when we can say to a witness from the administration, whatever administration it is: How have you done under this qualification here, that you would be limited to such and such, a number of dollars? What have you done? What has been the result? We are strangulating this oversight tool. We are wiping it out when we do not bring to the floor these bills on time.

We get to the pass here. This is the pass. And we are cut off at the pass. Oh, we have to do this. We have to do this. We need to cut the time on the bill. We need to limit ourselves. Here in this case, only two of these appropriations bills have ever passed the Senate. Only two this year, right?

Mr. STEVENS. Four, Senator.

Mr. BYRD. Four passed the Senate. In any event, only two of the nine bills that are in the omnibus have passed the Senate.

Mr. STEVENS. That is correct.

Mr. BYRD. Now, that is a shame. That is a disgrace upon the escutcheon of the Senate. I am greatly concerned about that process. I have been, and I have many times expressed it to my dear friend, TED STEVENS, who has worked his tail off in trying to get these bills through the committee and through the Senate.

Now, we cannot go on like this. We just cannot go on like this. I hope other Senators and I hope the leadership on both sides will see what can happen when we are brought to the wall, with our backs to the wall, and we have to ram through such important legislation without giving it careful consideration because we do not have the time and we rush these—can you imagine what is happening to the process when we approve appropriations bills in the Senate Committee on Appropriations and then do not bring those bills to the Senate? We do not bring those bills to the Senate.

I will tell you, friends, I have been in this body now 46 years this year, and it was never that way in the old times. We always passed the appropriations bills. I believe you will find on the record, we passed them, with my help, on both sides of the aisle. I never did anything by myself. It was an absolute cooperation between both sides of the aisle in the Appropriations Committee. We did not have all of the recriminations and the fault finding. We worked together, and we brought those 13 bills to the floor, and we acted on them.

Something badly wrong is happening to the appropriations process in the Senate, and I hope and plead with my colleagues that we take a good look at what is happening and that we all, as it were, rise up in arms against this way of pushing everything to the end of the session.

We have squandered time. You remember the filibuster one night we had here? Remember the filibuster one night? Well, that is just one example of how we have foolishly squandered our time. And we have not been in here 5 days a week working. How about that? We ought to do better.

I feel very, very badly about what has happened here. I never knew anything about this. I never knew this was in the bill until after I got up in the conference today and urged Senators to vote for it.

Mr. STEVENS. Neither did I.

Mr. BYRD. I said: I don't like this process. I don't like the fact that the minority is being shut out—at least one stage. I do not think the minority should ever be shut out. That is not in the book of the legislative process. That is not in the legislative process as I taught it over at American University. That is not in the legislative process as I learned it from those who came before me. That is not in the legislative process as it was when I was the majority leader.

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

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for an additional 10 minutes, if necessary.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I thank the Chair and I thank all Senators.

And so it is a terrible albatross around the neck of the Senate, and it is a terrible disservice to the people of these United States, who need to have their Senators examine bills carefully.

Part of it is our fault. We don't have to be out of here on Mondays. We don't have to be out of here on Friday afternoons. They didn't run the Senate like that when I was coming up here. I didn't run the Senate like that when I was majority leader. I told my own crowd: You elected me leader, and you can throw me out if you want to, but as long as I am leader, I am going to be leader. I am not here for the pleasure of Members. I am here to get the work done. And we worked and we had votes. Any of you who were here when I was majority leader, we had what were called bed check votes on Monday morning at 10 o'clock.

So I don't like this process. We are getting paid to work 5 days a week, 6 days a week, or 7 days a week, if it is necessary. I hope we don't start coming in here on the Sabbath and working. We need to keep the Sabbath day holy. But I say to you, my friends, we ought to get away from this bog-tailed schedule that we work on here—being in the Senate 2 days a week, or 2½ days.

So there are many things that can be attributed to the breakdown here. There are many complaints that can be made, many fingers can be pointed, and many truths can be stated, pointing out where we are falling down.

A number of Senators, may I say, have come to the floor to denounce, rather harshly, this provision that was included in the Omnibus appropriations bill, which would authorize—I know TED STEVENS; he would never want this kind of authority. That is laughable. He would never want this kind of authority. I would not either—chairmen of the Appropriations Committee and their designees to access the tax returns of companies and individuals. Why, this is a slam at the integrity of the Appropriations Committees of the two Houses, and especially it is a terrible thing to have somebody put this in a bill and lay this burden on the chairman of the Appropriations Committee. We don't want that. I have been chairman and I would not want that kind of authority.

I want to thank Senator STEVENS for coming to the floor and pledging to do what he can to correct this problem. I recognize that is not his fault. It is the inevitable result of a horrendous process that has developed in these last few years. You can go back and see the record for yourselves. The record speaks and the record tells the truth.

I want to assure my colleagues that I knew nothing of this provision until after I had made my fine speech in the caucus talking about this bill, how good it was and how bad it was, and then urged Senators to vote for it, saying that it was better than having a continuing resolution. And lo and behold, the distinguished Senator from North Dakota got up right behind me and he and the Senator from Montana pointed out that this language was in the bill. I had not seen it. If I had known about it, I would have been the first Senator to the floor to deplore it. I would have done everything in my power to keep it from being included. It is egregious and it ought to make every Senator hopping mad at the process that caused it, at the process that caused this in the wee hours of the night—to have our staffs operate with fatigue in going over these matters.

Why do we have to do it in the wee hours of the night? Because you are up against the gun, up against the deadline.

Look at this massive piece of work that must be examined. This is what happens—I will say it again—when the Congress writes legislation behind closed doors. This is what happens when the Congress tries to cobble together nine appropriations bills, seven of which have never been considered by the Senate, into an Omnibus appropriations bill. This is exactly why we failed the people out there who are watching through those electronic lenses. We fail the American people when we cannot complete the appropriations process on time.

I think it is a disservice to the chairman of the committee and to Senators who try hard to keep things going here and to move on a schedule that will get us through and not keep us waiting until the end of the session, when it is too late to act with care and to properly operate the oversight process. We open ourselves up to these kinds of abuses.

I am told that the Senate now will do something about this. We have already allowed a unanimous consent request here that has been agreed to. I hope—that isn't quite enough—the majority leader, who was here a moment ago, will try to get a commitment from the Speaker of the House.

Mr. STEVENS. We have that.

Mr. BYRD. Very well. I am told by my colleague, Senator STEVENS, that we have that commitment. Well and good. They will join the Senate in passing the joint resolution to remove this provision. I am also concerned about what the distinguished Senator from North Dakota brought up when he spoke of the fact that when a bill is passed into law, it is a law, and it is either going to be repealed or vetoed. We need to hear from the leaders of both bodies that this provision will be removed, and we need also to hear from the leaders of both bodies that this won't happen again.

I myself had said that I would vote for this bill. I am going to vote against it out of protest against this awful process. I have campaigned against this process on the floor; I have urged that we not let ourselves get into a situation wherein we have to nail together, tape together, put together pieces of appropriations bills, and whole appropriations bills, and come out with an Omnibus appropriations bill. And now we are going to be faced with a conference report that we cannot amend. So I will vote against this process. I will not support a process that results in this kind of chicanery. I thank all Senators for listening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

SENATOR BYRD'S BIRTHDAY

Mr. BURNS. Mr. President, I agree with my friend from West Virginia. No man should be put through this on his 87th birthday. Happy birthday, Senator BYRD. We hope you make it home in time for the cake.

I yield the floor.

Mr. STEVENS. Mr. President, is it possible now to proceed to the conference report that is before us?

I ask unanimous consent that we proceed to the conference report before us.

Mr. CONRAD. Mr. President, reserving the right to object, I say to my colleague that there are discussions going on to try to resolve this matter. I think they are about to bear fruit. I just left a conversation in the cloakroom, and they were coming up with a process to try to make certain that this provision never becomes law. It sounds as though they are making progress. Before we proceed, I think we will want to have the leaders here to be able to tell the rest of us what they have arrived at.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we have just had an election. Republicans are firmly in power in the White House and also in the Congress. Now, just 18 days after the election, we see in this bill breathtaking arrogance of power. It is an abuse of power because it gives power to Republican leaders, at the expense of your right of privacy, to pry and snoop into your tax returns.

They can even leak your taxes to the press and post them on the Internet without penalty. It is an abuse of power because it gives insurance companies the power to deny your right to know all of your health care options. It gives insurance companies the power to order your doctor to tell you only part of what you need to do.

It is an abuse of power because this bill gives the power to corporations to prevent you from knowing where your food comes from. It is an abuse of power because it gives companies the power to deny your right to overtime pay.

What other abuse of power is in this bill? We should take some time and delay action until we have read it and until we have the opportunity to fix it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. May I inquire if we are still in morning business with Senators able to speak for up to 10 minutes each?

The PRESIDING OFFICER. We are in morning business, limited to 10 minutes each.

TRIBUTES TO RETIRING SENATORS

JOHN BREAUX

Ms. LANDRIEU. Mr. President, we are in the midst of a very important discussion, of course, as we are considering what to do. As the leadership meets to consider what we should do that hopefully will either move this process forward or come up with some other resolution, I thought I might take a moment to speak about our colleague, Senator BREAUX, and his retirement.

This would probably be a good time to talk about the senior Senator from Louisiana and to pay tribute to him because he would be one of the Senators most certainly who could help us figure out this situation. He has been helping us figure out situations like this for 32 years with a lot of success and, I might say, with a lot of respect from all the Members in this body, both on the Republican side and the Democratic side.

It might be appropriate for me to speak a few moments about the great contribution this man has made to this body.

Senator BREAUX came to the House when he was 28 years old, and after four children and now three grandchildren, he leaves us after serving well and admirably for 32 years.

When he came to Congress 32 years ago at the age of 28, he was the youngest Member of Congress to be serving at that time. He has served with 7 Presidents and 16 Congresses. He served with President Nixon, President Ford, President Carter, President Reagan, President Bush, President Clinton, and now currently with President Bush. He served through 16 Congresses for 32 years in times of war and peace, through recessions and irrational exuberance. He has served as a husband, as a father, as a grandfather, and he served our State with great grace, great steadiness, and great leadership through it all.

It might not come as a surprise to my colleagues as we consider at this time what we are going to do to look at this picture of JOHN BREAUX that will give us all a laugh. I do not know whether he was playing Li'l Abner or a farmer, but this is on his Web site and he displays it proudly. It shows a sense of humor, even as a young man.

He has been called brash and good looking and confident, and he still is that today. He is not only a storyteller, but a great dealmaker. He has a rollicking sense of humor. He is admirable. He is hard-working, amiable, smart, a bridge builder, a strategic thinker, and someone who has our deepest respect. He has been, and continues to be, a team player.

I found this picture of JOHN BREAUX with his uniform on, which is the way he pretty much came to work every day, with his hat on, a baseball cap on, his uniform on, maybe just in a suit, but ready to get the work of the Senate done and get the work of Congress done.

There is probably not a major piece of legislation passed by this Senate that did not have JOHN BREAUX's assistance. He was the teammaker, always ready to bat or pitch or catch or sit on the sidelines or referee because he basically did it all.

He was also considered a strategic thinker and a great leader for our country. He, as many of us, gets the opportunity to not only speak on this floor but to be on major television and radio programs speaking about the great issues of the day. And he most certainly has put his mark on many pieces of legislation.

As a member of the Finance Committee, as a member of the Commerce Committee, and as a member of the Fisheries Committee in the House during the time he served there, I can say there is probably not a major piece of legislation that has not felt the good mark of Senator BREAUX: always there with a compromise, always there with a suggestion, always there with a little prodding. We and the people of our Nation can be grateful for his wisdom and his input at those critical times.

Whether it was the Medicare overhaul, laying the groundwork for a stronger Social Security system, or whether it was legislation related to agriculture, to sugar or rice, the commodities in Louisiana that are so important, JOHN was always there.

I want to say a word about a very important bill—and we will show JOHN playing tennis because this demonstrates that not only is he a great athlete and team player, but he is a great tennis player. What I like about this picture is he always kept his eye on the ball. Despite all of the great work that Senator BREAUX did in this Senate on so many pieces of legislation, helping all States, he always kept his eye on the ball—the State of Louisiana.

There are 4.5 million people who live in our State—wealthy people, poor people, people who live far out in the woods in the country and people who live in the great urban centers of New Orleans and our capital city of Baton Rouge and our other cities. Not only did he keep his eye on the ball in Louisiana, he kept his heart with us.

I can tell you he has left a great mark on our State.

There is an act we are proud of that we now call the Breaux Act. It is referred to as Wallop-Breaux, but at home we call it the Breaux Act because JOHN, in his typical quiet, responsible fashion, crafted a very special tax arrangement that is ongoing—and we will not talk too much about the details, JOHN, on the floor—but there was a very special arrangement made years ago with members of the Finance Committee that has helped us finance and send money to the State of Louisiana that has literally laid the groundwork to save our coastline.

It is not just Louisiana's coastline; it is America's wetlands. Two-thirds of the Nation is drained by it. Forty percent of the fisheries are in the Gulf of Mexico. The greatest shipping channel in all of North America comes through that Mississippi Delta.

Because JOHN kept his eye on the ball—and although he did all this great work for the Nation, he always loved Louisiana the most, always put his State first—we are now able to build a great environmental legacy to save this coastline. We already lost the size of the State of Rhode Island, but because of JOHN's work, because of his great strengths and great sense of humor, great respect, and great intelligence, he was able to lay that groundwork.

Whether it was advocating for senior citizens in our State when they did not have an advocate, or showing up at senior centers early in the morning and late at night, whether it was advocating for children through education or whether it was advocating for sugar, he did it all.

Maybe this picture says it the best. On the front page of one of our Nation's leading magazines, here is Senator BREAUX sitting at the table holding all the cards and most of the chips, which is the most important thing about this picture, with the elephant on one side and the donkey on the other, and JOHN BREAUX in the middle. At times, we need men and women in the middle. We need people who can listen to both sides and try to figure it out.

Tonight, that is what we are trying to do on the Senate floor, just trying to figure out this situation. It is a serious situation, and I do not at all mean to be light about it, but figuring it out is what we do as leaders, making our government work.

While I do not gamble too much myself, I can most surely appreciate—and there are plenty of people in Louisiana who do gamble. So we are proud of this picture and proud of JOHN, but deals need to be made on principle and for the people. The people need the government to always give them a fair deal, a good deal, and a square deal, and that is what JOHN did.

So, JOHN, on behalf of so many people in Louisiana and around the Nation, let me say that you are going to be missed because you will not be a Member, of course, of the Senate, but we know that we can call you. We know that we can reach you. We know that you will always be advocating for us in Louisiana and for our Nation.

Let me also mention what has not been said on the floor and what was not said in my remarks. Besides having his name on many bills, the phone conversations and quiet consultations that he held with Presidents and with senior Members of this body, his wisdom was found and went through those conversations and into legislation that became part of the work of this body and the Congress.

So, JOHN, for all of your not only legislative work but for your good counsel to us, to Presidents, to leaders of nations, to leaders in industry, we thank

you for that and may you look forward to many happy years with Lois. I know that your father Ezra, and I know that your mother, God rest her, would be proud. I know that your father Ezra has watched you all these years and continues to be very proud of you. From Crowley, LA, from a young man who ran when he was 28 years old on the theme of experience matters, and was brash enough at 28, having never served a moment to say that experience matters, let me say, experience does matter, and we are proud to have had a Senator with the kind of experience and legacy of my senior Senator from Louisiana, JOHN BREAUX.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. BYRD. 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.

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.

Ms. LANDRIEU. I ask unanimous consent to speak for up to 3 minutes.

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

NATIONAL ADOPTION DAY

Ms. LANDRIEU. Mr. President, while we are continuing to try to resolve our current situation, I will speak for a moment about something else today. Today is National Adoption Day. The Senator from Idaho and I spoke at some length yesterday in anticipation of today, so I will not go into too much detail, but I thought maybe some of my colleagues would be pleased because they worked so hard on this issue. It is an important issue. One out of six Americans has been touched by adoption.

While we were working in Washington, in our capitals and cities all across America, over 4,000 children were adopted today. That those children found forever families and parents who have prayed and hoped for either their first child into their family or children added into their family through adoption was made possible today because our country honors this day as National Adoption Day.

Both President Bush and President Clinton before him were wonderful advocates of promoting a better system of foster care and child care in our Nation for the children of America. We believe, as Members of the Senate, there is no such thing as unwanted children, just unfound families. Many of us do a lot of work in this area in terms of legislation to try to make our system work more effectively and efficiently so that all children can have the dream of a family, a mother, a father, at least one parent, to raise them, to bring them up.

We think that governments do a lot of things well—I, at least, think governments do a lot of things well—but one thing it does not do well is raise children. Families raise children. That is where children belong, in families. When they are separated from their birth parents for one reason or another—and there are many: war, famine, disease, and sometimes having to be separated from parents because of gross abuse and neglect—our work is to get them reconnected as soon as possible to a relative, to a responsible, caring adult, to at least some family in the community right there where they are and, if not, somewhere in the world.

I have a heartwarming and also heartrending story about a little boy from Louisiana. For the sake of time, I will quickly tell the story because it truly is touching.

Eight years ago, a little boy was born at Tulane Hospital. I am not going to say his name for the record. That was the wonderful news about being born, but the sad news was he was born with AIDS. He was so sick, so fragile and frail that his birth mother basically abandoned him and no one stepped forward for him.

The nurse that cared for him fell in love with him and basically took him home to her house. She and her husband raised, nurtured, and loved this little boy for many years. She tried through our system to adopt this child for years. I am not exactly sure if I could explain to Members why this never took place when the child was 2 or 3 or 4 except for bureaucracy or that people did not care enough.

Here is a little boy, dying of AIDS, wanting parents, a parent wanting this child, but the system did not work fast enough.

The happy part of the story is one judge in my State, Judge Taylor, after this came to his attention, decided to take action, and action he took. He brought all the court, which is unheard of, all the clerks, all of the lawyers to the hospital room where this little 8-year-old boy was lying in a frail condition, and he brought the prospective parents to the hospital room and they conducted the adoption ceremony right there in the hospital room. This is the only time I have ever heard of this. Maybe it has happened before, but this happened in New Orleans, LA, just in the last year.

He was so frail that his doctors insisted that the heart monitor be kept on the whole time that this was going on. When the judge said the words, this child is now adopted, his heart rate went up to normal for the first time in his life. The child could not speak, but the monitors said what the child was feeling when he was adopted because his last wish was that he would be adopted. Through the Make a Wish Foundation this all happened.

So the child was adopted, and his now new parents stood by his bedside and hugged and cried. That is the happy part of this story. I do not know what kind of system was not working that would leave this little boy without these parents so long, but the happy news is he was adopted and they became his parents. The sad part of the story is that his little life did not go much further than that, and within basically a day of that ceremony, he passed on.

The great thing that I want to say today about National Adoption Day is that this child did not die an orphan. He died as a son. For this child and for the parents who adopted him, it was a wonderful ending.

So the work that we do in the Senate, whether it is on finance, tax, health care, or military, there is not too much work that we can do that is more important than connecting children to families, families who will love them, nurture them, and give them the best opportunity. We cannot promise our children rose gardens. We cannot protect them from harm or injury or disease, but we can give our children love for as long as we have them and, of course, they give us back so much more.

In honor of National Adoption Day, I thank all of our great leaders in Louisiana that made this wonderful story happen, and I congratulate the judges on our bench in New Orleans, the social workers who were on the positive side of this story, the parents themselves, the medical staff at Tulane University, and my sister Madeleine, who is a wonderful judge, who shared this story with me.

I ask unanimous consent that the article from the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 18, 2004]

AGENCIES PRESS EFFORT TO SPEED ADOPTIONS

(By Kristen A. Lee)

In 1998, Judge Michael Nash, the presiding judge of the juvenile court in Los Angeles, had a disturbing realization: Foster children were languishing too long in the system before their adoptions were completed.

So with the support of a team of lawyers working pro bono, Judge Nash opened his court on a Saturday and completed 130 adoptions in one morning. Buoyed by that success, Los Angeles courts have had about 20 more Saturday sessions, handling the adoptions of 7,000 children.

Under the leadership of the Alliance for Children's Research, the program initiated by Judge Nash's court has expanded into a national drive. On Saturday, the fifth annual National Adoption Day, child welfare groups and family courts across the country plan nearly 200 events and hope to complete more than 3,000 adoptions.

Nationwide, 129,000 foster children are waiting for permanent homes, according to a study released yesterday by the National Adoption Day Coalition, a group of child welfare organizations and private companies. Inadequate communication between state child welfare agencies and the courts, crowded court dockets and heavy caseloads were the most significant obstacles cited to placing children in permanent homes. And states

continue to report that finding adoptive parents is a challenge—especially for older children and those with special needs, like behavioral problems or disabilities.

But the study also found that state child welfare agencies and juvenile courts were taking innovative steps, as Judge Nash did, to better serve children and families.

The number of adoptions in the United States has increased significantly in recent years. In 1998, 37,000 children were adopted. In 2002, the number rose to 53,000.

The analysis was conducted by the Urban Institute, a nonpartisan economic and social policy research organization. The data was culled from federally mandated reports.

According to the study, the adoption process is complicated by the constant coordination required between child welfare agencies and family courts. Scheduling difficulties can slow the process, as can differences in outlook between agencies and the courts. The overwhelming majority of state agencies reported such differences led to delays in terminating the rights of birth parents.

''The courts may have one perspective and the agencies may have another,'' said Rob Geen, director of the Child Welfare Research Program at the Urban Institute. These disagreements, he added, ''lead to breakdowns and delay the adoption of children.''

Senator Mary Landrieu, the Louisiana Democrat who is co-chairwoman of the Congressional Coalition on Adoption Institute, described the system as ''somewhat broken.'' Federal financing for foster care should be funneled to the states in a more focused way, she said, adding, ''The passion is there, the people's support is there, but the system itself needs a tremendous amount of shoring up.''

Many states are already taking steps to address delays in the adoption process by reorganizing staff, scheduling more training and working better with the courts.

Judge Nash credits the special Saturday sessions for cutting the number of children under his court's jurisdiction to 28,000, from 54,000 in 1998. ''We have to move faster in taking care of those kids,'' he said.

But Mr. Geen said that there can be good reasons for delay. ''The system is set up to address the birth parents' rights,'' Mr. Geen said. ''It's not just finding a car,'' he said of adoption. ''There are reasons why the process should take a considerable amount of time.''

I yield the floor.

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

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. GRAHAM of Florida. 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. GRAHAM of Florida. Mr. President, I understand we are in a period of morning business?

The PRESIDING OFFICER. That is correct.

INTELLIGENCE REFORM

Mr. GRAHAM of Florida. Mr. President, we are now in a serious quandary and a quagmire in some part due to the fact this institution, and our counterpart across the Hall, has difficulty in effective collaboration. With that said, I want to talk about what I think is really one of the outstanding examples of what can happen when our Chamber and our friends in the House of Representatives decide there is an issue important enough to collaborate on to do something important for the people of America.

We have had, over the last 15 years, a series of the most serious failures of American intelligence in our Nation's history. It didn't just start with September 11, 2001, and it didn't end with the circumstances that led to the war in Iraq. Going back over the decade of the 1990s we had the World Trade Center attack in New York, we had attacks against our embassies in Africa, we had failure to detect that India and Pakistan had become nuclear powers, we had the loss of the USS *Cole* in Yemen—all of those, which should have been detected, preempted, and the tragedy avoided by the effective professional work of our intelligence agencies. We didn't get what we thought we deserved.

I wish to particularly commend this evening Senators COLLINS and LIEBERMAN as well as Senators ROBERTS and ROCKEFELLER for the outstanding leadership they have given in trying to overcome this vulnerability, this unnecessary vulnerability.

When I look at a final piece of legislation, I approach it in this manner. First, what were the problems—or maybe, what were the missed opportunities that led us to believe it was important that we develop this legislation? And now, at the end of the process, how well does the final product solve or at least substantially mitigate the problem that had led to our concern in the first place?

As it relates to the status of our intelligence agencies, we have had a number of problems that have each contributed, in their own way, to this series of failures. We have had the problem of the difficulty in the intelligence agencies adapting to changing adversaries and the changing global threat environment. The Cold War was the most fundamental historic event in the history of the American intelligence. Our intelligence agency had been focused for the better part of 45 years on the Soviet Union. We knew their languages. We knew their cultures. They were an entity very similar to the United States of America. We could almost anticipate what their actions would be.

Today, we have a massively asymmetrical adversary. Groups such as al-Qaida and Hezbollah and Hamas and Islamic Jihad, nations which are not nation states or tribes of tribes driven by extreme religious beliefs. We have not adapted to that change, and we have paid a high price for that failure to adapt. I am pleased to say there are provisions in the Intelligence Reform Act—and I hope we will soon take it up—which will begin to alter that situation.

We are establishing a strong Director of National Intelligence, or DNI, who will be able to provide overall leadership and direction. He or she will not be responsible for the management of a line agency, as is the case today, where the Director of Central Intelligence is also the Director of the CIA. But, rather, he will be able to focus on those issues that will affect the entire community of intelligence and will have the responsibility to assure that we are sensitive and responsive to new developments.

I believe one of the areas in which we will face the greatest challenge in this responsiveness will be in our domestic intelligence. The FBI has been one of the agencies finding it most difficult to respond to a new environment. There has been a pattern of continuing to follow the culture of law enforcement when we need a new culture of intelligence to best protect our domestic vulnerabilities.

I am pleased at some of the progress Director Mueller has made. I believe we should continue to explore other alternatives to see if they will better protect our domestic security. I am pleased that under this legislation, the FBI, while not a unit of the Department of National Intelligence, will be still under the direct control of the FBI but will be considered part of the intelligence community family. I hope at an early date there will be an analysis of what should be our mission statement for domestic intelligence and then what changes in the FBI or further organizational changes will be required in order to fulfill that mission.

A second major problem has been the failure of the intelligence community to provide the big picture, strategic intelligence. Our former colleague, Pat Moynihan, used to regularly complain that, while we knew a great deal about the telephone system inside the Kremlin, nobody had observed the fact that the Soviet Union was near collapse. We have had similar failures to see the big picture, in terms of the failure to recognize the presence of terrorist cells within the United States, cells which were supported by terrorist entities or those supported by foreign governments. In the runup to the war in Iraq was another massive failure to give appropriate strategic intelligence. It is hoped the strong Director of National Intelligence will now have an opportunity to focus on these strategic issues. It is also hoped, as this legislation gives a heightened priority to source information—that is information that is available through public documents, newspapers, and other means—that it will receive a new importance in terms of arriving at overall intelligence conclusions.

There also has been a serious failure in human intelligence. We have many people in the intelligence agencies who understand the culture and the language of Russia. We are grossly inadequate in terms of people who understand the culture and language of the Middle East and central Asia. This legislation supplements legislation that

we have already passed in the Defense authorization bill which would establish a framework for what I would refer to as a ROTC, Reserve Officers Training Corps, except in this case not for the military but, rather, for intelligence purposes.

We have a sound foundation upon which to base the reform of our intelligence agencies. The problem we face tonight is that sound foundation which probably would pass this body by a vote of almost that which passed a few weeks ago, which was 96 to 2, and by a substantial majority in the House of Representatives, is being held up by a few Members of the House who wish to see the status quo retained or have other goals which are unrelated to the reform of the intelligence community that they have been unable to secure incorporation in this final conference report.

It would be a very sad conclusion of this session of Congress if one of the most pressing issues facing our Nation and the security of Americans; that is, provision of an intelligence capability that will allow us to understand our new adversaries will allow us to preempt the activities of those adversaries and will put us in a position to do what President Bush stated was our goal when he said our goal in the war on terror does not end with al-Qaida; it only starts there. It extends to all terrorist groups which have global reach. We will find them. We will stop them. We will destroy them.

We cannot carry out the Bush doctrine in the war on terror unless we have substantial enhancements in our intelligence community.

This is not something that just came upon us a few months ago. There is literally a stack higher than my desk of reports that have been written just since the end of the Cold War pointing out consistently the limitations in making recommendations to enhance our intelligence capability. These were totally ignored until 9/11. Even after 9/11 we were extremely slow to appreciate the urgency of reform of our intelligence agencies. We had to go almost to the third anniversary after 9/11 before serious consideration was being given.

For us today to announce we again have failed to take action to protect the American people would be a tragic condemnation of this session of Congress, and an unnecessary condemnation. We have an excellent proposal which has been endorsed by the 9/11 Commission, by leadership, and by the families of the tragedy of 9/11. For us to walk away from this opportunity that we now have to demonstrate that through bipartisan and bicameral actions this Congress is able to identify a serious national problem, deal with that problem, and enact it into law would be itself yet another tragedy.

I hope when we reach the week of December 6 and the House returns that the House will resolve its internal disputes and the President will continue his involvement. I personally urge the President to particularly direct attention to the Pentagon where I think much of the energy for recalcitrance has emanated and that we will, before this year is over, pass an intelligence reform bill which will serve the interests of the American people and will bring honor to the Congress.

The PRESIDING OFFICER. The Senator from Minnesota.

TRIBUTE TO SENATOR GRAHAM OF FLORIDA

Mr. DAYTON. Mr. President, I would like to first pay tribute to my colleague, the Senator from Florida, who just spoke. He has been one of my guiding lights in my 4 years here. He is someone who exemplifies the best qualities of a U.S. Senator. His integrity and wisdom and his careful attention to matters large and small have been superb during his 38 years of public service to the State of Florida. It has been just extraordinary. I wish him well and I will miss him. I will miss his leadership and his guidance.

INTELLIGENCE REFORM CONFERENCE REPORT

Mr. DAYTON. Mr. President, I also join Senator GRAHAM in his remarks urging the House to pass the intelligence reform conference report, which I am told most, if not all, of the members of the Senate conferees signed. I salute Senator COLLINS and Senator LIEBERMAN who heroically over the last weeks have attempted to reach an agreement on this important measure.

I note that he cochairs the 9/11 Commission with former Governor Kean and former Representative Hamilton who have endorsed it strongly, as have the family members.

I agree with Senator GRAHAM. It is a tragedy that after that Commission report, after we held hearings in the Governmental Affairs Committee of the Senate, on which I am proud to serve, during the August recess, marked up the bill which had overwhelming bipartisan support, I believe every amendment added to that bill in that Governmental Affairs Committee, it had bipartisan majority support, passed here on the Senate floor, I am proud to have supported it—to walk away from it now after the Senate and House conferees agreed to the legislation because of the resistance of a few members in the House Republican caucus who are evidently able to persuade their Members and leadership not to proceed with it is a tragic loss for the people of America. It is a terrible failure on the part of the House to live up to its agreement. To go through that lengthy process and not have the final measure approved tonight is a tragedy for our country and for our security.

OMNIBUS APPROPRIATIONS

Mr. DAYTON. I also wish to comment briefly on the Omnibus appropriations measure which is before us and to express my concern about one omission which has severe consequences for my home State of Minnesota, which is the elimination of the Senate's action to prevent Minnesota and other States from having their title I education funding cut last year and this year.

In 2004, Minnesota was 1 of 12 States to suffer a reduction in title I funding. Minnesota schools received $12.3 million less in fiscal year 2004 than we did in 2003. We lost that $12.3 million in funding, even though our number of title I-eligible students increased by over 3,600. For this fiscal year 2005, Minnesota is only one of two States in the Nation to lose title I money, even though the number of our title I-eligible students will increase again.

In this conference report, Minnesota will receive $15.3 million less than we did 2 years ago for title I education with probably 10,000 more poor students.

The Senate bill corrected the worst of that injustice. It said that no State would lose title I funding if their number of poor students increased. It didn't give those States any more money, even though that is what we should get—more title I money to serve more title I-eligible students. It only protected us from getting less funding. Now even that protection has been removed.

Presumably, the House conferees would not agree to it. They have all of their porkbarrel projects in the bill, all of their unnecessary spending, and even their shameful attempt, as has been discussed here tonight, to allow their leaders to examine the tax returns of law-abiding Americans. All that garbage is in the bill, but the funding for poor students in Minnesota was taken out of the legislation.

Our schools in Minnesota are already hard hit by other funding cuts. Now they must provide their services to more students with less money.

So much for compassionate conservatism, so much for No Child Left Behind. Those slogans ought to be prosecuted for consumer fraud. They don't tell the truth. Even worse, they are betrayals of our Nation's children, of our neediest children.

Once again, this legislative process has impoverished the truly needy while it enriches the truly greedy.

Poor schoolchildren don't have full-time lobbyists to prowl the Halls of Congress and serve their interests. Poor schoolchildren can't make big campaign contributions to big people who even make bigger contributions to their special projects. Poor schoolchildren have to depend upon us and on the House.

The Senate stood up for poor schoolchildren in Minnesota this year. The House Republicans let them down in the $388 billion spending bill, a foot and

a half of paper. In all that money, the House Republicans cut our funding by $25 million for the poorest kids in Minnesota. And then they went home.

They should come back on Monday and remove the tax inspection atrocity from this bill. And when they do, they should also correct the terrible injustice they served upon the children of Minnesota.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM of Florida. 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. GRAHAM of Florida. Mr. President, I first thank my friend from Minnesota for his very kind remarks and for the tenacity with which he oversees, supports, and advocates for the education of the children of his State. I admire his priorities.

I wish I could say the same thing about another action taken today in the House of Representatives. We have a neighbor with which we have had long historic and cultural ties. The case could be made that there would not be a United States of America today but for the aid of this neighbor. And that neighbor is the country of Haiti. Haiti is the poorest country in the Western Hemisphere, one of the poorest countries in the world. It is a country with a gigantic illiteracy problem, a gigantic health problem, a gigantic unemployment problem. We have demonstrated the fact that actions in Haiti have an effect on our national interests by having invaded Haiti repeatedly during the 20th and now into the 21st century.

Our typical invasion has been to deal with whatever was defined as the immediate problem, stay there for a brief period of time, and then leave. Soon all the problems that caused our previous involvement recurred.

We invaded Haiti yet again earlier this year. I am concerned we may well have to repeat that if we do not take action to deal with two fundamental problems. One is security, the second is jobs.

In terms of security, we left Haiti in June of this year with the understanding that the United Nations would provide significant security forces. Approximately 6,000 were committed from a variety of nations in the Western Hemisphere and elsewhere. As of the middle of last month, less than half of those 6,000 commitments had been fulfilled. That contributes substantially to violence, to threatening the stability and continuation of the government. It has encouraged the same kind of forces that used to man the Tonton Macoutes and the military services of the Duvaliers to seek a hope that they might resurrect themselves.

Second is that the economy of Haiti has continued, as unbelievable as it is, to slide further into wretched poverty.

There was legislation introduced by my good friend, Senator DEWINE of Ohio—I was pleased to cosponsor it—which would have given to Haiti some of the benefits which this Congress has recently provided to the poorest nations of Sub-Saharan Africa, to allow Haiti to have some hope of building an economy that allows some 75,000 to 100,000 Haitians to get a job, generating a sufficient income to support their families. That legislation passed this Chamber unanimously. It had the total support of the Senate. That legislation went to the House of Representatives. Senator DEWINE and I and others testified before the Ways and Means Committee as to the urgency of action, both the humanitarian aspects of this legislation, but, also, frankly, the self-interests of the United States of America in avoiding another collapse of that neighboring country.

I have been joined now by Senator DEWINE. Senator DEWINE has given an enormous amount of compassionate, aggressive leadership to this issue, and we had every expectation that we were on a track to get this legislation adopted in the House of Representatives until our first disappointment occurred when the leadership of the Ways and Means Committee decided to abandon the legislation that had already passed unanimously in the Senate and adopt a competing but much diluted bill for their effort to provide some assistance to Haiti.

I cannot speak for Senator DEWINE, but I speak for myself, that I was disappointed the extent of the legislation that the Senate had passed looked as if it was unlikely to be enacted, but at least there would be something that the U.S. Congress would have done for the people of Haiti and again for our own self-interest. Unfortunately, we have heard in the last 36 hours that it looks as if even that thin response will not be brought before the House of Representatives during this session of Congress.

I am extremely disappointed at what that says about our real values in terms of feeling a kindredship with our neighbors within this hemisphere. I am also disappointed at what that says about the Chambers of the U.S. Congress. My hope burns eternal, and now that it appears as if there is a reasonable expectation that we will return the week of December 6 to take final action possibly on the omnibus monstrosity that stands before the Senate, and hopefully also on the subject of my previous remarks, intelligence reform, I hope we would also place on the agenda at that last hour an opportunity for Members of Congress to show they were not cold-hearted and without concern for fellow human beings, and that this effort, as minimal as it is, would be a symbol of our concern and, hopefully, a platform from which more effective and extensive U.S. action could be taken.

Mr. DEWINE. I wonder if my colleague will yield for a question.

Mr. GRAHAM of Florida. I yield.

Mr. DEWINE. Would my colleague agree—my colleague certainly is an expert on Haiti, having traveled there many times—the situation in Haiti is certainly not getting any better today; with this trade legislation we have talked about, both the House version of the bill and the Senate version of the bill would appreciably help the situation for the people of Haiti as well as help our foreign policy.

Mr. GRAHAM of Florida. Absolutely. In fact, in addition to all the systemic problems I cited, in the last few months Haiti has been hit with two dramatic climate-based tragedies. Earlier in the year on the east side of the country there were massive floods that resulted in the deaths of over 1,000. Then during this hurricane season on the western part of Haiti, there were similar floods that cost in excess of 1,000 lives.

I would refer my colleagues to a program that appeared just last night on the ''NewsHour'' about the circumstances in Gonaives, the third largest city in Haiti, which was the epicenter of that hurricane that hit just a few weeks ago. And yet today the circumstances are, if anything, worse than they were the day after the hurricane passed.

So I say to the Senator, yes, anything that we could do that would help and would show our willingness to help would be very well received in Haiti.

Mr. DEWINE. I wonder if my colleague from Florida would yield for another question?

Mr. GRAHAM of Florida. Yes.

Mr. DEWINE. My colleague has studied this issue, I know, extensively. I wonder if he would agree that the proposed bill from the Senate, as well as the proposed bill the House was considering, while both would have a significant impact on the people of Haiti in the future as far as actual job creation, it would have, really, minimal impact, if any impact, on the United States as far as jobs. In fact, would he agree also that some of the experts we have consulted believe these two bills would actually help create jobs in the United States?

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

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent for an additional 2 minutes.

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

Mr. GRAHAM of Florida. I say to the Senator, of all the exports that come in to Haiti, the vast majority come from the United States of America, including most of their food. Therefore, if the purchasing power of the Haitian people is even minimally increased, it will make a good neighbor and a good consumer of U.S. goods even more capable of doing so.

So I agree with the Senator's economic assessment that the modest amount of aid that we are giving, not in the form of aid but rather aid

through trade, will redound to our economic benefit as well as to our sense of national comity with our neighbors in the hemisphere.

Mr. DEWINE. Mr. President, I thank my colleague who has been such a leader on this issue.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

PROVISIONS IN THE OMNIBUS APPROPRIATIONS BILL

Mr. KENNEDY. Mr. President, I expect that before long we will have the opportunity to get into the discussion of the omnibus proposal that has been referred to earlier this evening. I want to just bring some matters in the omnibus bill to the attention of our colleagues in the Senate and also to those in our country who are interested in where we are going to end up in the education provisions of this budget, and to also speak briefly about where we will be on the questions of health care as well.

In this omnibus proposal, as we said—it has been mentioned here—it is really a question of priorities and choices. What we are going to see is real cuts in the Head Start Program. It is a program that is a lifeline for millions of our children to help prepare them to enter grades K–12.

We have strengthened the quality of Head Start Programs in recent years, but we are going to see a real cut in the Head Start Programs under this budget. It is not even going to keep up to the current services. What we are going to see is a real loss to thousands and thousands of children across this country.

The most important programs we have in terms of educational achievement and accomplishment are the afterschool programs that make such a difference to children who may be falling behind, to help assist them to keep up with their classmates, and to also give them the help and assistance that makes a very important difference in terms of their own achievement and accomplishment.

This program is vastly oversubscribed. It is one of the most oversubscribed programs that we have in our educational arsenal. The reason it is oversubscribed is because it has had such success in helping and assisting needy children in our country. That program is going to be further cut under this proposal.

One of the key aspects of the No Child Left Behind was a recognition that what we needed in our schools across the country were smaller class sizes, well-trained teachers, curriculum reform, parental involvement, and afterschool programs. But one of the things we needed was going to be well-trained teachers. We made a commitment in the No Child Left Behind Program that we were going to enhance the teacher quality for the high schools in our country. That program is going to be cut in terms of teacher quality in upgrading the skills of teachers in our high schools.

Our vocational educational programs, which are so important in permitting young people to acquire skills to be able to compete in an increasingly complex economy, those programs for vocational education are going to be cut.

As well, some 28 percent of the technology educational funding for programs that are in our schools to help our young people develop the insight into the new kinds of technologies which are so important for them to be able to succeed in their own education and to carry on their education will be cut.

Finally, the Pell grant remains at $4,050 for the fourth consecutive year, while we have seen public college tuition has gone up more than 35 percent over the last 4 years. This is going to mean that tens of thousands—hundreds of thousands—of young students, who have the ability to be able to go on to college, will be denied that opportunity because the Pell grant is falling further and further behind.

If we are talking about an education budget, this is not the education budget.

HEALTH CARE

Mr. President, I want to make a brief comment, as well, on the health care crisis that we are facing. I think all of us understand the explosion of health care costs, the increasing number of the uninsured that exists in our society.

We know we passed a Medicare bill for prescription drugs that was more help and assistance to the pharmaceutical industry and the HMOs than it was to our senior citizens.

But it has been against that background, if we look at where we are in terms of the health care budget in this proposal, we have cut a quarter of a billion dollars in real terms from NIH.

Mr. President, this is the age of the life sciences. This is the age of the life sciences, with the human genome project, the increasing opportunities we are going to have with stem cell research, other types of research. We know the extraordinary progress we made out at NIH. We have the real possibilities of breakthroughs in so many different areas of health. If we were to solve the problems of Alzheimer's, we would empty two-thirds of the nursing home beds in my own State of Massachusetts. We are seeing a reduction in the NIH.

We have seen that the support for bioterrorism readiness in our Nation's hospitals is going to have a significant cut. The recruitment for the National Health Service Corps is cut by a third. That is a program that serves the underserved communities of this country. And the Office of Minority Health is cut by 10 percent.

Mr. President, the list goes on. Those who are strongly committed to having opportunities in education and also opportunities in the health care field recognize this budget really does not address the needs and the opportunities we have in these areas. I will have an opportunity to get into greater detail at another time about these underfunded programs on this particular proposal.

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.

OMNIBUS APPROPRIATIONS

Mr. FRIST. Mr. President, I know the last several hours have been difficult hours. A lot of people have been wondering exactly what is going on with the Omnibus bill, which people expect to vote on later tonight, which we will be voting on shortly. We will lay out the unanimous consent request in a few moments.

The language we have been talking about over the last 2, 2½ hours—I will refer to it as the Istook language—everybody agrees should not be in the underlying Omnibus bill. It was brought to people's attention when staff had looked at it late this afternoon, and everybody agrees it should not be in there.

The challenge we have had, from a procedural standpoint, is that the House has passed the Omnibus bill with that in it. Now we are to address it, and both Members of the House, including the Speaker, whom I have talked to directly, and our colleagues say it should not be there.

Procedurally, how do we accomplish that? Once we pass this bill, it would become the law of the land. It should not be there, but it would be there for a period of time. The potential for abuse would exist.

Mutually, we have agreed the only way to eliminate that is to send a correcting enrollment resolution back to the House of Representatives. The problem is they are not there. What we will do shortly—it will be in the UC—is we will pass that resolution, send it to the House. The House will receive that most likely on Wednesday. We also tonight will pass a continuing resolution, which we will comment on shortly, to allow business to continue tonight; and we will address the Omnibus and will vote on the Omnibus bill tonight and hopefully pass that bill. That bill will be sent to the desk, and it will be held there until the House acts, which will likely be Wednesday. At that point, and not until that point, this bill will actually be sent to the House or actually become law. Thus, there will be no window where this clause, this Istook language, will be law. It will not pass until it has been corrected in the bill, taken out of the underlying Omnibus bill.

Procedurally, it means we will pass the continuing resolution tonight. We will have to do a modification of the adjournment resolution, but we will have one rollcall vote on the Omnibus. There will be a period of time of 30 minutes for debate prior to voting on that bill, and there will be a rollcall vote tonight. That is the first explanation.

I will turn to the Democratic leader to make it a little simpler than that and to comment on what we have agreed to.

Mr. DASCHLE. Mr. President, I think the majority leader has described the situation accurately, and I believe it is the best way in which to resolve what has been a very understandable concern on the part of so many Members on both sides of the aisle. I thank the distinguished Senator from North Dakota for first flagging this question and the issue and calling it to our attention, and all of those who have offered ways in which we might resolve the problem tonight.

The solution has four parts. First, we will pass the continuing resolution that will accommodate the time that will be required for us to resolve this matter.

The second will be that we will pass the conference report and, as the majority leader has noted, we will hold it at the desk.

The third is that we will pass a resolution that will allow the correction in the conference report, an enrolling resolution. That will be part of this process.

Fourth is that the House will take up the matter on Wednesday. We will hold it at the desk until that matter has been resolved, and then send it to the President once this work has been completed.

This is, by far, the safest and easiest and, in some ways, the most confident way in which to address this question. I think, having addressed it in these four parts, we can all be satisfied that we will have accomplished what we set out to do, which is fix the error and pass the legislation.

Many on our side may want to express themselves after we vote on it. People have expressed concern about other parts of the bill and, throughout the day, our colleagues have expressed themselves on the conference report in ways outside of this particular problem. But I think, procedurally, this is the right way to approach the matter.

I think, ultimately, it accommodates the concerns people have had on both sides of the aisle. I hope we can reach agreement tonight to allow this process to go forward.

Mr. KENNEDY. Will the majority leader yield for a question?

Mr. FRIST. Yes.

Mr. KENNEDY. What if the House doesn't act on it? What assurance do we have? Does the majority leader have assurance that the House will act on Wednesday?

Mr. FRIST. We expect them to act. They said they will act. This bill will be held at the desk. If they don't act, this bill will not be sent over. That is part of the unanimous consent request.

Mr. KENNEDY. So it is the understanding of the majority leader that they will act on Wednesday. After that takes place, the ordinary procedure will be followed in terms of the enrollment and sending it to the President?

Mr. FRIST. That is correct.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I am relieved at what has been worked out here, because this will prevent this provision from ever becoming law. This provision never should become law. It would open up the possibility and potential for abuse. I want to repeat for the record that I have no doubt Senator STEVENS would never have used this provision for an untoward purpose. I feel the same way about Chairman YOUNG. The problem was this would have become the law of the land. There will be future chairmen of the Appropriations Committee. I think we all know enough about human nature that if there is potential for abuse, abuse is likely to occur. This is a place where we could have had very serious abuse, with the opening up of people's tax records and the use of those records to punish people, or to help people, or to do other nefarious things that should never be permitted in this country. So I am relieved this will not ever become law.

Mr. FRIST. Mr. President, as the Democratic leader suggested, we realize a number of people want to make further comments. The unanimous consent request we will propound shortly will allow for 30 minutes of debate. Other people have expressed an interest, after the vote, in being able to offer their views, which we encourage. That way, we can go ahead with our unanimous consent request after 30 minutes for debate, to be equally divided, and proceed with a rollcall vote.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that immediately upon the granting of the following consent request, the Senate proceed to the consideration of H.J. Res. 114, a short-term continuing resolution; further, that the joint resolution be read a third time and passed, and the motion to reconsider be laid upon the table. I further ask unanimous consent that the Senate then immediately proceed to the consideration of the conference report to accompany H.R. 4818, the so-called Omnibus appropriations bill; provided further, that there then be 30 minutes for debate to be equally divided between the chairman and ranking member of the Appropriations Committee or their designees; further, that following that debate, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate. I further ask unanimous consent that following that vote, the Senate proceed to H. Con. Res. 528, a technical corrections resolution relating to the enrollment of the conference report; provided, that the amendment to the resolution which is at the desk be considered and agreed to and the resolution, as amended, be agreed to, and the motion to reconsider be laid upon the table. I further ask unanimous consent that the conference report to accompany H.R. 4818 remain held in the Senate until the House adopts H. Con. Res. 528, as amended.

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

MAKING FURTHER CONTINUING APPROPRIATIONS

The PRESIDING OFFICER. Under the previous order, the clerk will report H. J. Res. 114.

The legislative clerk read as follows:

A joint resolution (H. J. Res. 114) making further continuing appropriations for the fiscal year 2005, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the joint resolution is considered read a third time and passed and the motion to reconsider is laid on the table.

The joint resolution (H. J. Res. 114) was read the third time and passed.

CONSOLIDATED APPROPRIATIONS ACT, 2005—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the conference report to accompany H.R. 4818.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4818), making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD in November 19, 2004.)

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes equally divided between the chairman and ranking member of the Appropriations Committee. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, we are now in day 51 of the fiscal year. In order to finally bring the fiscal year 2005 appropriations season to a close, the Senate has before it a $388 billion, nine bill, 3,016-page monstrosity of a bill. Here it is, right here on the desk. Take a look at it.

Of the nine appropriations bills in the bill, only two were ever debated in the Senate. The conference report includes a miscellaneous division that contains 32 unrelated provisions, most of which have never been considered by the Senate.

There is not a single Member in this body who can say that he or she has read this bill. It contains complex and controversial matters. It contains an across-the-board cut of eight-tenths of 1 percent that arbitrarily reduces veterans medical care programs, health care programs, highway construction, and global AIDS programs.

At midnight last night, a 64-page small business reauthorization bill was put in the bill without consultation. It contains controversial matter that was not in the freestanding bill that the Senate debated over a year ago.

During the development of the appropriations bills this year, the House and Senate reviewed the President's budget carefully and, in some cases, approved provisions that moved the Nation in a different direction from that which the White House wanted. The White House issued veto threats on several of these issues.

The Senate provision to block the administration's overtime regulation which could eliminate overtime pay for 6 million Americans is dropped from the bill.

Provisions that were in both the House and Senate bills concerning Cuba trade are all gone.

The Senate provisions to overturn the Mexico City family planning policy and modify the Kemp-Kasten rules for funding the U.N. Population Fund have disappeared.

At midnight last night, at White House insistence, and through the intervention of the House Republican leadership, the language that would have required a fair competition before Federal jobs are contracted out was pulled from the bill.

Yet here we are on a Saturday, 51 days into the fiscal year, forced to vote on this monstrosity in the form of a $388 billion unamendable, unread conference report.

The bill is entitled ''Consolidated Appropriations Act, 2005.'' It should be entitled ''Lame Appropriations Act, 2005.''

The Federal fiscal year started on October 1. While we have been waiting for the Republican leadership to bring appropriations bills to the floor, the country's schools, the country's hospitals, the veterans seeking health care, the FBI agents fighting terrorism, the construction workers wanting to build bridges and highways, the farmers, and the scientists across America have had to wait.

Why the delay? First, despite the fact that we have a Republican President, a Republican House, and a Republican Senate, our Republican Government could not produce a budget. We had a record deficit for fiscal year 2004 of $413 billion. This Bush deficit exceeded the deficit record that he set for fiscal year 2003 of $375 billion.

Yesterday the President signed a bill to increase the debt limit to a record $8.2 trillion—$8.2 trillion of debt, and yet we do not have a budget. Without a budget, the appropriations process was delayed. We are living in a land of make-believe.

For months, the Senate pushed aside work on appropriations bills to focus on political debates. We pushed aside the people's interest so party interests could take center stage before the elections, but in doing so we failed, once again, to get our job done. This is a lameduck Congress, but the lame politicking in this Senate started long before this week.

Time after time, we have put a hold on the investments in this Nation that every Senator knows we must make in order to put points on a political scoreboard, like this is some big game. But when we play games like these, the real losers are the American people.

Fifty-one days into the fiscal year and, once again—this is not the first time—once again, we have a mammoth, unamendable omnibus conference report in front of us. Sadly, it has become almost an annual ritual that we shackle ourselves with these omnibus monstrosities. It is not good—not good for the Senate, not good for the American people, not good for your political system. We did in 1996, 1997, 1999, 2000, 2001, 2003, and 2004.

When I was chairman from 1989 to 1994 and again in 2001, we produced 13 individual bills annually.

That is the way to protect Congress's power of the purse. That is the way to protect the American people. That is the way to respect Members' rights to debate important legislation. We should not go down this road again next year. The woolly mammoth became extinct ages ago. I hope one day that the same will be said for such mammoth appropriations bills.

The fact that we have such massive legislation on our desks tonight is not the fault of the chairman of the Appropriations Committee, the senior Senator from Alaska, TED STEVENS. He would have moved Earth and sky if it had meant finishing 13 individual appropriations bills on time. But not even his Herculean efforts could change the plain and honest truth of this Senate. Namely, when it comes to this Senate today, politics wins every time.

I would be remiss if I did not thank my chairman, my colleague, my friend, Senator TED STEVENS. This will be the final appropriations conference report that Senator TED STEVENS will guide through this Chamber, and how we will miss that fine, steady hand at the helm. While he does not leave the Appropriations Committee, thank God, he does leave the chairmanship after this session.

I thank him for his unflinching friendship over the years. We do not always agree, Senator STEVENS and I. No. I respect his views. I hope he respects mine. And the same can be said of the chairmen and ranking members of the appropriations subcommittees, both when this side is under control of the Senate and when this side is in the minority. At the end of the day, we always know that party is not the most important aspect of life. Faith in God, love of family, the Constitution and the country, Senator STEVENS knows, as I do, that these are far more important than the fate of a partisan agenda.

Because of the limitations placed on the Congress by the administration, more veterans will go without medical care. I have to say that this administration meddles in the appropriations process more than any other administration I have ever seen in my 46 years as a Senator, and as my 52 years as a Member of the Congress.

Fewer children now will receive the educational services promised by this President and this Congress in the No Child Left Behind Act. Scientists will be left scrambling for research dollars. Families living in rural America will see their clean water pushed off for another year. This bill shortchanges America's future, and I say to all Senators that because of the President's arbitrary limits on discretionary spending, $8 billion worth of increases above the President's budget request that were contained in the bipartisan Senate appropriations bill were eliminated.

Now, that is the White House meddling, a White House that does not seem to recognize that there is a Constitution of the United States; a White House that does not seem to recognize that there is a separation of powers; a White House that does not seem to remember that the legislative branch is not indeed subordinated to the executive branch. Relative to the Senate bills, title I education for the disadvantaged is cut by $661 million; special education by $658 million; the National Institutes of Health by $537 million; EPA clean and safe drinking water grants are cut by $312 million; VA medical care by $235 million; $975 million in cuts in public housing; $277 million is cut from the National Science Foundation and the effort to help communities to hire new police officers; the COPS program is cut by $154 million.

These are big numbers. Honestly, they probably do not mean much to people, but behind each dollar is an American citizen. Cuts to special education mean that fewer children with disabilities will receive the specialized services they need. Cuts to title I mean that young people living in poor school districts will have fewer classroom opportunities to brighten their paths to their future. Fewer dollars for COPS means fewer officers on the streets, the very time when crime is up and the terrorist threat is very real across America.

That brings us to where we are today. The legislation before us includes some increase above the President's request for such programs as veterans medical

care, highways, low-income home energy assistance, State and local law enforcement, the manufacturing extension program, Amtrak and Corps of Engineers construction. However, I cannot vote for this Omnibus appropriations bill, and I extend my sincere apologies to my colleague, TED STEVENS. I honor him and I will always remember him as one of the very finest chairmen of the Appropriations Committees under whom I have served in my 46 years in this body, but I cannot vote for this Omnibus appropriations bill.

I intended this morning to vote for it. Omnibus bills bring the White House to the table and put them in charge. I have said that time and time again. Let me say it again. Omnibus bills bring the White House to the table and put them, the White House, in charge. Omnibus bills allow the White House to set arbitrary ceilings on spending. Omnibus bills preclude Members' rights to debate significant issues. Omnibus bills produce bad legislation, such as the ill-conceived language on giving staff authority to review tax returns.

Need I say more? No, I shall not say more. I will vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from West Virginia for his comments. He has been my good friend for a long time. He and I have worked together now through my 36 years in the Senate, and as he states, we have not always agreed, but we have always been able to work together in the spirit of friendship and real understanding. I really have great admiration for the Senator from West Virginia.

This is my swan song. I had expected to stand before the Senate and be proud of the product we have before us. I consider what happened in terms of the staff mistake a stain upon my service as the chairman.

Mr. President, H.R. 4818, the Foreign Operations Appropriations bill was the legislative vehicle for the fiscal year 2005 Omnibus appropriations bill.

The conference report includes $388.4 billion in discretionary funding for the following nine appropriations bills: Agriculture, Commerce-Justice-State, Foreign Operations, Interior, Energy and Water, Labor-HHS, Legislative Branch, Transportation-Treasury, and VA–HUD.

Our fiscal year 2005 spending will be within the $821.9 billion discretionary cap.

The conference report includes an across-the-board cut of 0.8 percent for each appropriations bills.

This bill will provide the needed funds to keep this Government going for this fiscal year.

As my chairmanship of our Appropriations Committee draws to a close, I want to take a few minutes to acknowledge and commend some close friends and some of the hardest-working and most dedicated staff I have had the privilege to work with.

Let me begin with my good friend from West Virginia, our committee's ranking member, Senator BYRD, who has been a member of the committee since 1958. He and I have worked together throughout my 36 years in the Senate and it has been an honor to lead this committee with him since 1997. We have not always agreed, but we have always been able to put our differences aside and work toward the common good. I especially want to thank him for his efforts over the past year. We both had hoped and worked toward getting our appropriations bills across the floor on an individual basis. But, this was not possible. And, I want my good friend to know how much I personally appreciate his and his staff's cooperation in recent days as we've brought this process to a close. I will miss the partnership we have shared on this committee.

Chairman BILL YOUNG of Florida has been my partner across the Rotunda since 1999. He has become a good friend and ally in our steadfast efforts to complete our work. He, too, is stepping down from his chairmanship and I want to take this opportunity to thank him and his staff for their assistance and perseverance in getting our work completed. BILL has great respect for the institution that we serve and for his beloved House Appropriations Committee. His heart continues to be with the men and women of our Armed Forces. After the House recesses, he and his wife Beverly regularly visit wounded soldiers up at Walter Reed Medical Center. I hope BILL YOUNG will be returning as chairman of the Defense Appropriations Subcommittee. We will continue to work as a team dealing with modernization of our weapons systems, our military personnel programs, and the national security of this great country.

Over the years, I have had opportunity to work with DAVE OBEY as both chairman and ranking member of the House Appropriations Committee. Congressman OBEY and I have been on opposite sides of a number of issues, but I know of few Members who have his great intellect and passion. DAVE OBEY is a truly dedicated Member of Congress who cares about the institution, and the legislative process. He is a realist who gives his all in debate, but understands compromise and the need to move the business of Government forward.

I ask unanimous consent to have a chart printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FY 2005 Conference

[In millions of dollars]

	BA
Agriculture	16,982
Commerce, Justice, State	40,027
Energy and Water Development	28,488
Foreign Operations	19,705
Interior	20,039
Labor, HHS, Education	143,309
Legislative Branch	3,575
Transportation, Treasury	25,846
VA, HUD, Independent Agencies	93,861
Weatherization (division J)	230
Other items (division J)	107
Across-the-board 0.8 cut (division J)	−3,471
Crime Victims Fund (limitation)	−283
Total discretionary spending	388,415
Requested emergencies:	
LIHEAP	300
Postal equipment	7
Sudan	93

Mr. STEVENS. Now, I would like to turn to the clerks of our subcommittees.

Pat Raymond has worked for me for more than three decades in the Senate and will be retiring at the end of the year. Pat began as my scheduler on my personal staff. She has supported me on the Governmental Affairs, Rules, and Appropriations Committees.

From flextime, to postal reform, to the Federal retirement system, and as staff director on this Agriculture Subcommittee, and earlier on the Treasury Subcommittee, Pat has never lagged in her dedication to hard work. Always thorough and precise, always a stickler for details, Pat's also well-known as a quick study.

Even more important than the attributes I have mentioned, has been Pat's loyalty to me personally, to this institution, and to our Nation. As an Alaskan, she understands the true ''can do'' pioneer spirit that has made it possible for her to accomplish even the toughest of challenges.

The Energy and Water Appropriations bill, in particular, was put together in record time. The product represents a truly remarkable accomplishment. It is comprehensive, yet elegant in its simplicity. It sets out an ambitious course for the Corps of Engineers, Department of Energy, and Related Agencies. With few words, it cuts through years of red tape. After reading the bill, the phrase ''the Secretary shall'' has become one of my favorite phrases in the English language.

Tammy Cameron, our majority staff director, Drew Willison, our minority staff director, and their able staff worked on a bipartisan basis and negotiate a bill with the House in 48 hours. They pulled a rabbit out of a hat I thought was long dead. Tammy just took on this new assignment 2 years ago having worked with Senator CAMPBELL on the Treasury Subcommittee. She has learned a complex subject matter in a very short time, and has earned the respect of the highest ranking generals in the Army. On behalf of Senator BYRD and the entire full committee, I want to congratulate Tammy and the entire staff and extend my heartfelt thanks. And, I hope when these proceedings are concluded, they will all go home to bed and sleep for a week.

Scott Gudes is one of those staffers who has become a member of my family. He keeps moving back into the

house. Scott began with me on the Defense Appropriations Subcommittee working with Sean O'Keefe, where he learned with a real master. And he has used what he learned with Sean ever since.

He served for almost 5 years as deputy under secretary for Oceans and Atmosphere at NOAA, and worked as the acting NOA administrator under secretary in 2001. 1 worked closely with him to resolve the Stellar sea lion crisis which threatened to close down Alaska's fisheries, and almost closed down the Senate. As many of my colleagues will recall, while others were drinking eggnog, Congress remained in session until days before Christmas while we resolved that crisis. Scott was instrumental in that effort, and helped administer the resolution we adopted.

He formerly worked for FRITZ HOLLINGS on the Commerce-Justice-State Subcommittee as well as on the House Foreign Operations Subcommittee. He has a reputation as a fair, even-minded problem solver, and has a heart for the world's oceans. As NOAA administrator, he had a reputation for rolling up his sleeves and working as crew on research vessels, and he has rolled up his sleeves for us.

The senior Senator from Pennsylvania often refers to Bettilou Taylor as the 101st, and for good reason. She has helped me craft new initiatives in Alaska to address health care, labor, and education. Just yesterday, I got a report on the Denali Commission clinic effort, a program Bettilou created. To give an example of the difference just one person can make, since she instituted this program, there are now 41 new health care clinics in remote villages in Alaska that had none, and another 67 in the planning stage and another 26 under construction. Because of Bettilou and her staff, thousands of rural Alaskans now have health care where they had none before.

She is hard driving, but fair; creative but down to earth; demanding yet caring. She knows health policy and education probably better than any single person in the Senate including her subcommittee chairman, and she can run circles around her adversaries. The word ''can't'' is not in her vocabulary. I once described one of her bills as a ''work of art.'' She is truly one of the Mona Lisa's of the Senate.

Mary Dietrich began with me on the Labor/HHS Subcommittee. She has worked now for several years as the clerk on the DC Subcommittee, and I think it is no small coincidence that the District's finances turned around about the same time Mary showed up. She has worked closely with the City government in helping them shepherd the city toward financial solvency, and has taken a particular interest in programs for children and the arts. At the staff level, she almost single handedly pushed through the DC voucher program that no one else thought had a chance of succeeding. But she persevered, and today hundreds of poor children are attending some of the cities best private schools. They will never know who Mary Dietrich is and will never be able to thank her, but today I say thank you on their behalf and on behalf of the Senate.

While Bono has led the public effort to address the worldwide crisis of AIDS/HIV, there is another rock star behind the scenes who has shaped our Nation's response to that crisis. Paul Grove has drafted dozens of provisions to improve the lives of people around the world—from people living with AIDS and TB to children without limbs who receive wheelchairs. Together we have created a new program to bring fresh water to dozens of African villages which has changed thousands of lives each day.

Paul is a child of the Foreign Service and has lived across the globe, including 2 years with the International Republican Institute in Cambodia. Paul is quietly competent, but his actions speak loudly about the kind of person Paul is and the difference he has made in the world.

Rebecca Davies is a woman who has found her moment in history. Tough and uniquely qualified, Rebecca Davies has undertaken the task of helping create a whole new department of the government with the most important role of our time, protecting our Nation from terrorism. She formerly served as Deputy of the Appropriations Committee with service on the Budget Committee. I can probably count on one finger the number of people who have the knowledge of the Federal budget process that Rebecca Davies carries in her head.

She has worked on the Treasury Subcommittee, Agriculture Subcommittee and each time left her mark. Together we created a series of programs for rural America while she was at Agriculture from rural water and sewer programs to funding to reduce the high cost of energy to funds to address public facilities in poor rural communities. As a result of her efforts, the honey bucket, what used to be the primary sewer system in Alaska, will soon be the subject of a museum exhibit.

I rest better each night knowing that Rebecca Davies is looking out for our Nation's homeland.

Bruce Evans began his career on the Alaska scene with my former colleague, Slade Gorton. A product of the Senate, Bruce is known by all as a practical problem solver with a great wit and a ''can do'' attitude. Of all the subcommittees I have worked with, I have probably thrown as much at Bruce Evans as any staffer on my committee. From timber harvest to oil and gas development, if I am working on a controversial issue, you can bet Bruce Evans is finding the solution.

With Bruce's insight and quiet competence, together we have improved the lives of Alaska Natives from health clinics to alcohol treatment to fire fighting to save villages from destruction. And while I don't have a public reputation as an environmentalist, Bruce has worked quietly on my behalf to protect Alaska's wildlife. He created the State wildlife grant program funded this year at about $70 million, provided resources for research on wildlife from walrus to polar bears, provided the funds to take the Aleutian Canada goose off the endangered list, and restored Alaska's fisheries. Denali National Park is often called the crown jewel of the national park system. Bruce Evans is one of the crown jewels of the Appropriations Committee.

Carrie Apostolou began her career with me on the VA-HUD Subcommittee. Intensely organized and detail oriented, ''slipping through the cracks'' is something you never have to worry about with Carrie. She has shepherded the Capitol Visitor Center through the process, and is responsible for the unprecedented security improvements we all see everyday. When the Capitol Visitor Center opens in 2006, it will be a testament to Carrie's persistence.

Dennis Ward, came to our committee 2 years ago with a strong and wide ranging military background. He served in the Air Force as an officer for 18 years, taught political science at the U.S. Air Force Academy, and was a political affairs officer at the Ballistic Missile Defense Organization. He is diligent and tenacious and his abilities were evident to all of us when he worked fervently to complete action on the Military Construction Appropriations bill earlier this year. I look forward to a continued close working relationship with Dennis, as I continue my work on defense issues.

Jon Kamarck is one of the leading public housing experts in the Congress. He is known as a tough adversary, but kind and compassionate. He has exercised the committee's oversight responsibilities with vigor, and many an agency has trembled in its boots when Jon finds indifference or incompetence. He has a reputation for demanding compliance with the laws he helps write, because he is as passionate about good Government as he is about helping people. There is a kinder, gentler side of Jon Kamarck agencies don't always see but I have seen as he meets with Eskimo people with no running water or works with low income people living in squalor. If ever there was a staffer who embodied my personal motto it is Jon Kamarck: ''to hell with the politics, just do what's right.''

And last of all, but first among equals is Sid Ashworth. Sid knows more about the Department of Defense than just about any one I know. She is responsible for the largest annual budget of any department, and has overseen revolutionary changes in our national defense from smart bombs to stealth bombers. She has the daily burden of reading intelligence reports, living every day with the knowledge of the threats that plague us. A former Defense civilian from Hawaii, Sid has

forged a close working relationship with Charlie Houy that mirrors my own relationship with Dan Inouye. Sid is a woman who operates in what is sometimes viewed by some as a man's world. She has broken through stereotyped, and is universally revered by secretaries and generals alike. She is innately fair, intensely dedicated, and fiercely loyal. I am glad I have her by my side every day.

I also want to acknowledge a few of the hardworking staff from the other side of the aisle. Terry Sauvain, Senator BYRD's staff director on our committee, has worked tirelessly along side of my staff to get our work done for the year. Terry has long been known as someone who is able to effectively work on both sides of the aisle. He is known as the master of West Virginia and my staff has learned a great deal from him since I became chairman in 1997.

Chuck Keiffer, Senator BYRD's minority staff director, also deserves my thanks. He came to the Appropriations Committee 4 years ago from the Office of Management and Budget and has vast experience on the fiscal issues. I want to acknowledge him and thank him for his assistance and service during my tenure as chairman.

And finally, I want to thank Charlie Houy, the minority clerk for the Defense Appropriations Subcommittee. Charlie has been with the Appropriations Committee for nearly 20 years, working for both the minority and majority. He is a consummate expert on defense issues and is well respected by those at the Department of Defense and his colleagues on the Hill. As chairman of the Defense Subcommittee, I look forward to continuing to work with Charlie and thank him for all of the hard work he has put in over the past year. I am proud to say he is my friend.

Mr. President, we deal with a lot of important and controversial issues in this body. Maybe nowhere is that more the case than on this Senate Appropriations Committee.

I have been fortunate to have had the opportunity to chair this committee with so much history and tradition. Senator BYRD has often reminded us of the historical context of this committee and our role which was specified by our Founding Fathers in the Constitution. And, I would be remiss if I did not note that I and all our members have been fortunate to have been supported by such outstanding professional staff.

I remember when Senator John C. Stennis was preparing to leave the Senate in 1988. And he attributed his long and distinguished career to just a few things. The first, was good staff.

So, I want to take a minute to recognize one such individual, our committee staff director, Jim Morhard. Jim is a consummate professional. He has truly done it all here on appropriations. He joined the committee after a career in the Navy Comptroller's office, and then in the Senate under Senators Wilson and Kasten. Jim staffed the military construction bill as both the minority and majority staff director. Jim worked on Defense Subcommittee and with some reluctance, answered my request for him to take over the Commerce-Justice-State Subcommittee. This is considered by many the most difficult of our 13 subcommittees to handle.

At Commerce-Justice-State, Jim Morhard distinguished himself working as ''clerk'' or staff director under Senator JUDD GREGG. Jim dealt with a variety of issues from Securities and Exchange Commission fees to NOAA fisheries programs to small business technical assistance. Long before September 11, 2001, Senator GREGG and Jim sought to wake up the Justice Department and FBI and enhance our counterterrorism programs. On September 11, many of those first responders had taken part in training in counterterrorism exercises that were put forward by our Commerce-Justice-State Subcommittee.

In early 2003, I asked Jim to move up and become staff director for the entire committee. There was no staff that I considered more capable or prepared. Jim has always carried out his tasks with tact, fairness and bipartisan spirit. He has great expertise at the technical aspects of the appropriations job. He can make ''the numbers work'' and draft the bill and report language. And, he has the creativity to critically analyze programs and policies and come up with compromises that move the institution forward.

I think about the same day Jim came on board, we began work on the first of two Iraq/Afghanistan supplementals. I think he has been working tirelessly ever since, shepherding through these bills and helping me get the 2004 and this 2005 omnibus appropriations bills through the Senate, through conference and to the President for signature.

The executive branch has countless programs to recognize employees and excellence. Unfortunately, we here in the legislative banch do not. But, one should not assume that we do not recognize personal and professional excellence when we see it. And, I want to express my appreciation to Jim on behalf of the committee and the entire Senate for a job well done.

THE BERING SEA NONPOLLOCK GROUNDFISH FISHERIES BUYBACK PROGRAM

Mr. STEVENS. Mr. President, as part of the fiscal year 2005 Consolidated Appropriations conference report there is a section that provides for a vessel buyback program for the Bering Sea/Aleutian Islands nonpollock groundfish fisheries. Senator MURRAY, is it your intention that section 219 of Title II of the 2005 Consolidated Appropriations conference report is only to provide for a non-pollock groundfish fishery capacity reduction program for catcher processor vessels engaged in these fisheries in the Bering Sea/Aleutian Islands?

Mrs. MURRAY. That is correct. Section 219 is intended to provide a vessel buyback program to be financed through a capacity reduction loan for this fishery.

Mr. STEVENS. It is my understanding that the North Pacific Fishery Management Council will develop the fishery management plans for the Bering Sea/Aleutian Islands non-pollock groundfish fisheries and nothing in this section should be construed to impede or change the council's development of these plans. Is this your understanding?

Mrs. MURRAY. Yes. This section should not be interpreted as requiring the North Pacific Fishery Management Council to rationalize these fisheries. In fact, nothing in this section should interfere with the council process with respect to development of fishery management plans for this fishery or any ongoing work of the council on fishery management plans or ''rationalization'' of other fisheries.

Mr. STEVENS. Senator MURRAY, there is language in this section that states that future amendments to the fishery management plans in the Bering Sea/Aleutian Islands should not ''penalize'' members of any catcher processor subsector for achieving capacity reduction under this act or any other provision of law. Could you explain in greater detail what this means? In particular, I want to make sure that nothing in this act would preclude the North Pacific Fishery Management Council from accommodating CDQ interests in future Bering Sea and Aleutian Islands non-pollock fishery management plans.

Mrs. MURRAY. Yes. This language does not prevent the North Pacific Fishery Management Council, National Marine Fisheries Service, or any other agency from enforcing any Federal law with respect to any member of this sector, including the conservation and management provisions of the Magnuson-Stevens Act. The act shall not prevent the council from raising the CDQ share of the harvest for this fishery consistent with past Bering Sea and Aleutian Islands rationalization efforts or as part of any eventual rationalization process. And finally, this reference to penalties should never be construed to prevent the council from implementing initiatives to reduce bycatch in this sector, which has historically had the highest bycatch rates in the Bering Sea/Aleutian Islands.

Mrs. MURRAY. Mr. President, over the last several hours, much debate has taken place regarding section 222 of division H of this omnibus appropriations bill. I wish to associate myself with the remarks of many of my colleagues that have insisted that this egregious provision be removed. And, I wish to thank the majority leader and minority leader for establishing a path forward that will ensure that this provision will never become law.

Under the agreement announced earlier by the majority leader, the entire

conference report on the omnibus appropriations bill, once passed by the Senate, will be held at the desk and will not be forwarded to the President for his signature until the House has passed a correcting resolution that will nullify section 222. That correcting resolution will also be passed by the Senate today.

With that guarantee in place, and with the knowledge that section 222 of division H of the omnibus bill will never become law, I am pleased to vote in favor of the bill so that the people of my State and all other States can reap the benefits of the important programs funded in this bill.

Mr. KENNEDY. Mr. President, unfortunately, in the Omnibus bill, the Republican leadership blocked Senator HARKIN's amendment to repeal the administration's rule that denies overtime protections to 6 million workers. Bipartisan majorities in the House and Senate strongly supported the Harkin amendment and it was part of our Senate bill.

In fact, the Senate has voted four times to block the Bush overtime rule, and the House has voted twice to block it. Yet, the Republican leadership keeps refusing to accept the will of Congress and the will of the American people. Instead, it continues its unfair assault on America's workers and their right to overtime pay.

In today's economy, workers are obviously concerned about losing their jobs, their pay, their health benefits, their retirement benefits, and their unemployment checks. Now more than 6 million employees also have to worry about losing their higher pay for working overtime.

These men and women are nurses. They are police officers. They are school teachers. They are long-term care workers. They are assistants in mental health facilities.

Make no mistake, overtime cuts are pay cuts. When workers lose their overtime pay protection, they still work longer hours, but they get no extra pay for doing so, even though they have had the right to time-and- a-half pay for overtime work ever since the 1930s.

Clearly, we need a policy to create more jobs, not eliminate jobs. By taking away workers' right to overtime, the administration's rule undermines job creation, since it allows businesses to require employees to work longer hours for no extra pay, rather than hire new workers.

Pure and simple, denying overtime is a thinly veiled cut in workers' pay and boost employers' profits. In this troubled economy, it makes no sense to ask any workers anywhere in America to give up their overtime pay.

Instead of making hard-working men and women work longer hours for less pay, businesses should create new jobs by hiring more employees to do the work.

We know that employees across America are already struggling hard to balance their family needs and their work responsibilities. Requiring them to work longer hours for less pay will impose an even greater burden in this daily struggle.

According to the Families and Work Institute, two of the most important things that children would most like to change about their parents are that they wish their parents were less stressed out by their work, and they wish they could spend more time with their parents.

The General Accountability Office says that employees without overtime protection are twice as likely to work overtime as employees covered by the protection. In other words, businesses don't hesitate to demand longer hours, as long as they don't have to pay higher wages for the work.

Protecting the 40-hour workweek is vital to protecting the work-family balance for millions of Americans in communities in all parts of the Nation. The last thing Congress should be doing is to allow the new antiovertime rule to make the balance worse for workers than it already is.

Congress cannot look the other way while more and more Americans lose their jobs, their livelihoods, their homes, and their dignity. Denying overtime pay rubs salt in the wounds of this troubled economy. Denying the will of Congress and the American people in this Omnibus bill doesn't settle the issue. This battle is far from over. The fight will continue until workers' overtime rights are restored.

Mr. FEINGOLD. Mr. President, I oppose this omnibus appropriations bill. It has become something of an annual event to consider these massive, must-pass measures. Because this particular bill has come to us in the form of a conference report, we are unable to even offer an amendment to the legislation. Those who crafted this measure are, of course, fully aware that this bill is completely shielded, and as a result they were free to include numerous provisions that would certainly have generated amendments were they to come to the body in an amendable vehicle.

There are many questionable provisions, all of them safe from the scrutiny that the amendment process affords. There will be a few editorials written lamenting some of these provisions, but that will be it. Absent some extraordinary action by Congress, they will become law along with the rest of this measure.

Others will detail the billions of dollars of unauthorized, earmarked spending included in this bill. Let me just note that these questionable provisions come at a very real cost. First and foremost, by approving these provisions, Congress shirks its duty as stewards of the taxpayers' money. We have an obligation to our constituents to ensure that the money we levy in taxes is spent wisely.

Beyond that, by providing funding for these unauthorized, earmarked programs, we are diverting funds from areas that our constituents have told us are true priorities. I am deeply concerned, for example, about the level of funding provided for the National Institutes of Health, NIH. Providing an increase of less than 3 percent is not sufficient to maintain the current pace of biomedical research.

I am pleased to have supported successful recent efforts to double the NIH budget, and abruptly slowing the growth of the NIH will undermine the progress that has been made through this doubling. It is important that we provide NIH with the funding it needs to ensure that we receive the extraordinary health and economic benefits that this vital biomedical research provides.

At a time when our country is facing increases in the number of people diagnosed with serious, costly diseases such as cancer, Alzheimer's disease, heart disease and diabetes, as well as an ever-present bioterrorism threat, biomedical research needs to be a national priority, and as such it needs to be adequately funded.

Devoting billions of dollars to unauthorized special interest earmarks also means less funding for our children. Again this year, Congress and the administration have underfunded elementary and secondary education programs. As schools around our country settle in to their third year under the No Child Left Behind Act, NCLB, we will pass an appropriations measure that does not give states and districts the funding that we promised them in exchange for higher accountability standards. The law requires that States and districts comply with NCLB as a condition of receiving funding, yet we are not providing them the promised resources that will help them to succeed. And I am concerned that the NCLB accountability structure will sanction schools that fail to meet adequate yearly progress despite the fact that Congress is not providing these important resources.

In addition, just 1 day after the Senate and the House passed the conference report reauthorizing the Individuals with Disabilities Education Act, we will pass an omnibus spending bill that underfunds the fiscal year 2005 authorization level contained in that very conference report.

Again we are failing to provide the full 40 percent of special education costs promised to the States when IDEA was enacted in 1975, and, ironically, we are doing it 1 day after telling States that the IDEA conference report puts them on the path to full funding in 6 years. The IDEA reauthorization conference report authorized $12.3 billion for fiscal year 2005, and the omnibus spending bill before us contains $11.5 billion for this purpose. Thus, before the ink on the IDEA conference report is even dry, we are already breaking a promise contained in it to the tune of more than $800 million.

I regret that the Senate missed an opportunity earlier this year to make

special education spending mandatory, and I regret that the well-intentioned authorization levels in the IDEA conference report are becoming little more than an empty promise 24 hours after the Senate and the House agreed to these funding levels.

As bad as what is in this omnibus appropriations bill is what is not in it. The administration was again successful in blocking language included in the both the House bill and the committee-passed bill in the Senate that would have reversed the harmful provisions of the Department of Labor's new overtime rule. Despite repeated bipartisan opposition to this rule in both houses of Congress, the small group of Members who drafted the omnibus conference report stripped out these provisions, which would have prevented millions of workers from losing their overtime benefits under the Bush Administration's rule. I am disturbed that—for the second year in a row—an omnibus appropriations conference report was used as a vehicle to override the will of a majority of Members of both houses with respect to this harmful rule.

And, I am disappointed that the conferees chose to delete language that would have halted the administration's campaign to contract out additional Federal jobs to the private sector. Federal employees should have the right to compete for their jobs on a level playing field.

In addition, I continue to oppose the Administration's efforts to reclassify thousands of jobs that are critical to our national security as not ''inherently governmental'' in nature in order make these jobs eligible to be contracted out.

I also want to especially note that because this omnibus appropriations bill comes to us in an unamendable form, there will not be a rollcall vote on the automatic, back door Member pay raise. As my colleagues know, that issue is germane to the Treasury-Transportation Appropriations bill and thus an amendment forcing a vote on the Member pay raise can be offered to that bill without being subject to a point of order. But, because the Treasury-Transportation bill has been folded into this omnibus package, no one will be able to offer an amendment to force a vote on what will be a roughly $4,000 pay raise that is scheduled to go into effect in January.

This is not the first time the Member pay raise has been shielded in this manner. In one instance, the Treasury-Postal bill was slipped into the conference report on the Legislative Branch appropriations bill, and thus completely shielded from amendment. And during 2002, the Senate did not consider the Treasury-Postal bill at all.

This makes getting a vote on the annual congressional pay raise a haphazard affair at best. And it should not be that way. No one should have to force a debate and public vote on the pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay raises without accountability must end. I have introduced legislation to do just that, but until that legislation is enacted, Senate leadership should not shield the Treasury-Transportation appropriations bill from amendments.

Finally, let me join others in expressing my concern about inclusion of a provision in this bill that could reduce access to the full spectrum of reproductive health services. This provision is far too controversial to be shoved into a must-pass Government spending bill, especially when the committee with jurisdiction did not have a chance to consider it and the Senate did not have a chance to debate it.

Mr. President, the appropriations process needs reform. I have been pleased to join the Senator from New Mexico, Mr. DOMENICI in advocating biennial budgeting, and certainly we need to seriously consider that reform. I have also joined with my good friend, the Senator from Arizona, Mr. MCCAIN, in advocating a change to Senate rules that would permit points of order to be raised against many of these extraneous, unauthorized earmarks, and this body should seriously consider that reform as well.

The Senate needs to act on those reforms and others before we consider another one of these giant, must-pass omnibus appropriations bills.

Mr. GRAHAM of South Carolina. Mr. President, I want to concur with the statement issued earlier by Chairman GRASSLEY of the Senate Finance Committee regarding section 222 of this bill.

I don't understand the reasoning or motivation behind this provision. But it is clear that it could be easily abused.

This is a great example of how the process is inadequate in terms of passing legislation without legitimate input from the Members of this body.

The thought of an individual Member of a legislative body, including this one, having access to tax records of individual Americans is unacceptable and must be changed; but equally importantly the process needs to be changed.

I am not attributing bad motives, but this must be changed and I take the chairman of the Appropriations Committee at his word that it will be changed.

We need to change this process to ensure mistakes like this are not made in the future.

Mr. BINGAMAN. Mr. President, I would like to briefly express my concern with section 205(d) of the Energy and Water Development Appropriations Act. This subsection addresses endangered species issues in the Middle Rio Grande in New Mexico.

These issues, particularly in the midst of an ongoing drought, have been very controversial in my home State. Over the last year or 2, however, there has been a commitment by the diverse stakeholders and interest groups in the Middle Rio Grande region to cooperate on creative approaches that would address endangered species needs. These approaches all have the goal of balancing the need for environmental restoration with a recognition of the need to protect the interests of water users who are dependent on the limited supply provided by the Rio Grande.

One thing that has helped to foster this cooperative approach is to fully and completely discuss the different issues facing the stakeholders. This process has included legislation. Last year, the New Mexico delegation collaborated on a legislative provision that was a response to a controversial court decision affecting water use in the Middle Rio Grande. While this effort was not without some controversy, the end product was the result of much discussion and debate, and seemed to be accepted, even embraced, by most of the stakeholders.

Section 205(d) of the Energy and Water bill, while somewhat innocuous on its face, undermines the practice of full disclosure and debate. The provision provides the biological opinion controlling water operations in the Middle Rio Grande, with full protection from legal challenge for a period of 10-years—the effective timeframe of the opinion. In last year's appropriation bill, we provided a maximum of 2 years of protection, which was the most controversial aspect of the provision.

I am concerned that this provision, that will most certainly be enacted into law without any notice or significant comment, may disrupt the cooperative environment that has developed over the last few years. If so, it would be a most unfortunate turn of events. The biological opinion, at least up until now, appears to be effective in allowing water use in the Middle Rio Grande to continue without jeopardizing the existence of the endangered species in the region. That is a positive step. Moreover, given the progress being made and the cooperative methods being employed, section 205(d)'s 8-year extension of a controversial provision, is an unnecessary distraction at this point in time.

I yield the floor.

Mr. CORZINE. Mr. President, I want to address a troubling provision in the Criminal-Justice-State, CJS, Appropriations bill, contained in the omnibus, that applies to any nonprofit legal services organization receiving funding from the Legal Services Commission, (LSC). This ''private money restriction'' precludes these nonprofits from using any of their private funds—including individual donations, foundation grants, and State and local government funds—for any non-LSC-qualified services.

The private money restriction places an unfair and costly burden on private and other non-Federal funds dedicated to helping families in need. As a result of the private money restriction, most

civil legal services providers are forced to stop providing non-LSC-qualified services altogether. Many of the most vulnerable individuals and families—such as certain legal immigrants, including some battered women and children, mothers in prison trying to maintain visitation and custody of their children, and elderly homeowners seeking to file class actions to protect themselves from predatory lenders—find themselves without access to legal services at all.

LSC has attempted a ''fix'' for this problem by allowing organizations to use their own private funds for non-LSC-qualified services only if they create physically separate nonprofits with separate staff, offices and equipment. Wasting scarce private resources on duplicate staff and offices adds significant costs and results in fewer families being served.

Congress can provide a real ''fix'' for this problem by amending the CJS Appropriations bill to treat the privately funded activities of legal aid nonprofits equally with the privately funded activities of other nonprofits. In particular, we can require LSC grantees to abide by the same longstanding rules promulgated by the Office of Management and Budget for nonprofit grantees of Federal agencies and by the IRS for all nonprofit 501(c)(3) and (c)(4) organizations, as well as new rules promulgated by the Bush administration for faith-based groups. These rules authorize nonprofits receiving Federal funds to engage in various privately funded activities without requiring them to maintain physically separate entities with separate staff and equipment.

Under this alternative approach, the restrictions on Federal LSC funds would still apply, whether one agrees with them or not, but they would allow local providers and donors to use private money to serve their communities as they see fit. I hope that in future discussions about the CJS Appropriations bill, we can consider this alternative approach to the problems that this bill will create for America's families and service providers.

Mrs. MURRAY. Mr. President, I am pleased to see that Section 219 of Title 2 of this Act includes the statutory language necessary to authorize and implement a Non-Pollock Groundfish Fishing Capacity Reduction Program for the catcher processor sector of the Bering Sea and Aleutian Islands SAI This program represents a positive step forward for the Puget Sound-based commercial fishing industry. Passage of this Act concludes more than a year-long effort to craft an appropriate capacity reduction program for the catcher processor sector of the BSAI non-pollock groundfish fisheries.

Reducing capacity in these fisheries will improve the ability of the North Pacific Fishery Management Council to manage the groundfish stock and contribute to the long term economic viability of the many businesses and people involved in the harvesting, processing and delivery of the highest quality seafood products to consumers. This is important not just to the fishermen who take such great risks up in the frigid waters of the North Pacific, but to the myriad of small businesses throughout the Puget Sound region that support this industry: ship repair yards, equipment suppliers, insurance brokers, transportation companies, and marketers.

My predecessor, Warren Magnuson, set out 24 years ago to put in place a system to Americanize and manage our nation fishery resources. His hard work and vision, championed also by a young Senator from Alaska, Ted Stevens, led to the innovative regional council structure we know today. I am proud that the North Pacific Council has managed the fisheries in its jurisdiction so successfully that it is singled out in this country as a model for maintaining sustainable fisheries.

Despite the success of the North Pacific Council in maintaining healthy fish stocks, there have been problems in the region as a result of overcapacity in the fishing fleets. The North Pacific Council has addressed many issues to help prevent overcapitalization, including license programs and limited entry requirements, but once there are too many fishing vessels it becomes a very challenging problem. These are situations where development of fisheries has outpaced the ability of the resource to support, either biologically or economically, the fleets of fishing vessels built to harvest this national resource. There is a Federal nexus here, when overcapitalization is the result of Federal programs or Federal management decisions. Congress has a record of stepping in when needed to assist in resolving these problems, and this Act follows the American Fisheries Act, the West Coast Groundfish Buyback, and the Crab Buyback in the North Pacific.

I disagree with those who say that this is a problem caused by the fishermen alone, and that they should bear the brunt of any economic consequences of an overcapitalized fishery. Yes, they do have responsibilities, and this bill makes them part of the solution. It is the remaining fishermen who will be responsible for repaying the loans used to reduce capacity in the fleets. That is an investment from them to preserve their future in these fisheries, and it will contribute to the broader economic stability of the Puget Sound region.

I must add that fisheries legislation is never easy to draft. It is a very technical subject overlaid with the very lively history of participants in the fisheries. As Maggie noted on the eve of passage of the original fisheries management act:

We cannot satisfy everybody. I know fishermen pretty well. They are pretty hard to get to agree on a lot of things. They are independent people.

This sentiment remains very much true today. We have worked hard to accommodate a variety of perspectives in this bill, and I am satisfied that the results are positive.

The Non-Pollock Groundfish Fishing Capacity Reduction Program for the catcher processor sector of the BSAI authorized in this Act is a legitimate use of Federal resources to restore balance in these fisheries and to promote their long term viability. I look forward to working with the people in the fishery and representatives from the National Marine Fisheries Service and the North Pacific Council to implement this program consistent with the intent of Congress.

The purpose of this program is to reduce excess harvesting capacity in the catcher processor sector of the BSAI non-pollock groundfish fisheries. Reducing excess harvesting capacity will contribute to the future rationalization and long term stability of these fisheries. This statement is intended to clarify certain provisions contained in the Act and to facilitate its prompt implementation.

Subsection (a) provides definitions relevant to this Act and defines the four subsectors participating in the capacity reduction program: AFA trawl catcher processors, longline catcher processors, non-AFA trawl catcher processors, and pot catcher processors.

Subsection (b) authorizes a $75 million capacity reduction program for the BSAI non-pollock groundfish fisheries.

Subsection (c) allocates the $75 million in loan authority among the four catcher processor subsectors to reflect their relative participation in the non-pollock groundfish fisheries: $36 million to the longline catcher processor subsector; $31 million to the non-AFA trawl catcher processor subsector; $6 million to the AFA trawl catcher processor subsector; and $2 million to the pot catcher processor subsector. In the event any of the subsectors does not use the funds allocated to them by January 1, 2009, then any remaining funds roll over to a fund available to all four subsectors.

Subsection (d) establishes the basic contractual relationship between members of a subsector who choose to participate in a capacity reduction plan by agreeing to sell their license, their vessel, or both, to the Federal Government. Before the Secretary may disburse funds, a seller must enter into a binding reduction contract with the Federal Government, subject only to approval of a capacity reduction plan pursuant to a referendum described in subsection (e). The binding reduction contract must include provisions governing revocation of all Federal fishing licenses, fishing permits, and area endorsements issued for a vessel, and if relevant, the scrapping of a vessel, that is purchased through a capacity reduction plan authorized by this Act. It is intended that licenses currently attached to a vessel and all associated vessel catch history will be retired.

It is anticipated that the subsectors will use their loan authority to reduce both active and latent capacity. The importance of encouraging the elimination of latent licenses is to prevent the re-capitalization of the fishery from within the fleet. The August 2004

Department of Commerce report on addressing overcapitalized fisheries, U.S. Action National Plan of Action for the Management of Fishing Capacity, identifies latent capacity as a serious problem to be addressed in capacity reduction programs. The report cautions that simply targeting active vessels with large catch histories may result in ctivating the latent boats and licenses, and frustrating the intent of the buyback effort. Unless latent capacity is addressed, the goal of the Non-Pollock Groundfish Fishing Capacity Reduction Program will be undermined.

When dealing with active capacity, a participant will sell both a vessel and its qualified licenses. However, when eliminating latent capacity, there may be circumstances where only a license is purchased through the capacity reduction program. This could occur when a vessel has sunk or was otherwise destroyed by fire or accident, and is not presently active in the BSAI non-pollock groundfish fisheries. There also will be circumstances where vessels have little or no catch history, but have qualified for a license. In this situation such vessels and licenses represent another form of latent capacity and should be targeted in specific capacity reduction plans. In some cases there may be no current vessel named on a qualified license. The price paid to purchase such licenses associated with a sunk or destroyed vessel is expected to be less than the price paid for an active vessel and its licenses.

Subsection (e)(1) establishes a framework within which individual subsectors may develop capacity reduction plans. This includes a fee system that will repay the full amount of a capacity reduction loan amount in a timely fashion. The subsectors may use negotiations, bidding systems, a reverse auction, or other methods appropriate for identifying excess capacity to be reduced. This flexible approach is intended to utilize the knowledge and incentives of the participants in a subsector to develop capacity reduction programs that maximize the elimination of excess fishing capacity at the least cost and in the shortest time.

Subsection (e)(2) authorizes the Secretary of Commerce to review and approve capacity reduction plans devised by each subsector. Once a subsector completes its capacity reduction plan, it is submitted to the Secretary for review to determine consistency with this Act. Subsection (e)(2)(A–E) sets forth the requirements for Secretarial approval. To approve a subsector capacity reduction plan, the Secretary must determine that plan is consistent with the requirements of subsection (b) of section 312 of the Magnuson-Stevens Act, with certain exceptions spelled out in this Act. Each subsector plan must include a fee system for full and timely repayment of the loan, and must achieve the maximum sustained reduction in fishing capacity for the least cost in the minimum amount of time. Maximum sustained reduction may be demonstrated through a showing that the vessels and licenses to be purchased will achieve the greatest reduction in harvest capacity through use of the loan authority available to a subsector. Data related to vessel catch history and performance capabilities may be used to satisfy this provision.

Subsection (e)(2)(E) expressly allows subsectors covered by this Act to upgrade their vessels to achieve efficiencies in fishing operations. This provision does not alter the existing statutory or regulatory restrictions on vessel length, tonnage or horsepower. The North Pacific Council retains authority to tailor vessel upgrades to meet the goals of fisheries management plans within its jurisdiction.

Subsection (e)(3) authorizes the Secretary to oversee referenda by each subsector to approve capacity reduction plans and requires the Secretary to notify subsector participants of an upcoming referendum. Following secretarial review and approval of a subsector capacity reduction plan, the Secretary is required to notify, to the extent practicable, all members of the subsector affected by such plan. The Secretary notice will include information on the proposed fee system, the schedule, procedures, and eligibility requirements for participation in a subsector referendum, and an estimate of the capacity to be reduced. This is purely a notice requirement—not a rulemaking—and it is not required to be published in the Federal Register.

Subsection (e)(4)(A) authorizes the Secretary to implement the individual subsectors capacity reduction plans. Within 90 days after a successful referendum, the Secretary is required to publish in the Federal Register a notice that includes the specific terms and conditions governing the purchase of licenses and vessels and a description of the fee system established for repayment of the loan. This is not a rulemaking. The purpose of this notice is to provide a public record of what has been purchased and how the loan is to be repaid.

Subsection (e)(4)(B) expresses the intent of Congress that Section 312(e) of the Magnuson-Stevens Act not apply to the capacity reduction plans governed by this Act.

Section (e)(5) establishes the authority of the Secretary to collect fees from the remaining members of a subsector necessary to repay the debt obligations incurred as a result of an approved capacity reduction plan. It is intended that the Secretary exercise this authority through regulations that will govern the fee collection system and ensure that the Federal Government can collect such fees. These regulations will bind the remaining members of a subsector and obligate them to repay the capacity reduction loan. Revenues to cover the loan repayment fees will be derived from the sale of fish harvested in the BSAI non-pollock groundfish fisheries.

Subsection (f) establishes the required actions by entities other than the Secretary to impose restrictions on vessels, revoke licenses and associated fishing rights, and scrap vessels. Subsection (f)(1)(A) requires the National Vessel Documentation Center, at the request of the Secretary, to revoke any fishery endorsements issued to a vessel under section 12108 of Title 46, U.S.C. It is expected that the National Vessel Documentation Center will annotate each buyback vessel documentation with language provided by the Secretary to notify future purchasers that they will not be able to receive any fishery endorsements. Subsections (f)(1)(B and C) require the Maritime Administration to restrict a vessel to U.S. flag status and refuse to grant approval for foreign registration or operation under foreign authority by such vessel. Subsection (f)(2) requires that vessels purchased under this Act designated for scrapping conform to the procedures established for a reduction vessel under section 600.1011(c) of Title 50, CFR. Scrapping of vessels pursuant to this provision shall be overseen by the National Oceanic and Atmospheric Administration—NOAA—and performed consistent with NOAA requirements. The cost to scrap a vessel will be paid by the buyback participant.

Subsection (g)(1) specifies the eligibility criteria for participation in the BSAI Non-Pollock Groundfish Fishing Capacity Reduction Program. It also limits participation in the BSAI non-pollock groundfish fishery to ensure the goal of capacity reduction is achieved.

Subsection (g)(2) expresses the sense of Congress that the North Pacific Council continue with its efforts to rationalize the BSAI non-pollock groundfish fisheries. This statement is intended to reinforce the Council commitment to adopt such management measures necessary to promote stability in these fisheries. This includes final action in a timely fashion on Amendments 80a and 80b, and the development and approval of sector allocations for the BSAI Pacific cod fishery. It is the understanding of Congress that the North Pacific Council will take final action on Amendments 80a and 80b by the fall of 2005, and adopt BSAI Pacific cod sector allocations by the end of 2005. Amendments 80a and 80b are particularly important to the non-AFA trawl catcher processor subsector as this fleet seeks to comply with the North Pacific Council pending Improved Retention/Improved Utilization—IR/IU—requirements. It is essential that the North Pacific Council take final action on Amendments 80a and 80b prior to implementing new IR/IU requirements.

Subsection (g)(2)(B) makes clear that subsectors who eliminate excess capacity through a capacity reduction plan authorized by this Act not be penalized by the North Pacific Council. This provision is intended to discourage the Council from reducing a subsector

BSAI non-pollock groundfish allocations as a result of that subsector reduction of fishing effort through programs authorized under this Act. This does not preclude the North Pacific Council from exercising its authority to manage these fisheries, including taking actions to address bycatch concerns or changes in stock levels. In addition, this Subsection would not prevent the North Pacific Council from raising the CDQ share of the harvest for this fishery consistent with past Bering Sea and Aleutian Islands rationalization efforts or as part of any eventual rationalization process.

Subsection (h) requires the Secretary to report annually to the relevant Congressional oversight committees on the implementation of this Act. Reports shall include details on the individual capacity reduction plans, an assessment of their cost-effectiveness, and the achievement of the goals set forth in section 312(b) of the Magnuson-Stevens Act.

Ms. SNOWE. Mr. President, I comment on the portion of the Consolidated Appropriations Act of 2004 that reauthorizes the Small Business Administration. Of particular importance to me is the inclusion of many aspects of my prior bills, the Small Business Administration 50th Anniversary Reauthorization Act of 2003, S.1375, which was approved by the Senate on September 26, 2003 by unanimous consent, and of my more recent SBA bill, the Small Business Reauthorization and Manufacturing Assistance Act of 2004, S.2821. These provisions reauthorize for 2 years the programs administered by the Small Business Administration under the Small Business Act and the Small Business Investment Act of 1958, and contain significant improvements to the SBA's lending and technical assistance programs.

For over a year, I have worked with the House Small Business Committee and the administration, making numerous attempts to accommodate my colleagues and to resolve outstanding issues that blocked the passage of a comprehensive bill. Various forms of my original bill have been introduced over this period in order to help move the other body's stalled legislation, while in the meantime our Nation's small businesses have waited to receive the benefits of improved SBA services that are contained in this bill.

The vast majority of businesses in each State in this country are small businesses. In Maine, 98 percent of businesses are small businesses. By enacting these provisions Congress is fulfilling its obligation in helping our entrepreneurs reach their American dream.

The SBA is a vital resource not only for our Nation's 25 million small businesses, but also for the millions of Americans relying upon small business ownership as an alternative to the ''traditional workplace'' where corporate America once offered life-long futures for workers.

The SBA's fundamental purpose is to ''aid, counsel, assist, and protect the interests of small-business concerns.'' The methods for carrying out Congress mandates include a wide array of financial, procurement, management, and technical assistance programs tailored to encourage small business growth and expansion. As the economy continues to recover and grow, it is essential that Congress send a message that affirms long-term stability in the programs the SBA provides to the small business community.

In the 50-year period since the establishment of the SBA, there have been many revisions and additions to the methods and organizational structure used by the SBA to respond to the evolving needs of small business. This bill builds upon those changes creating a stronger foundation for the SBA to deliver its programs.

Since 1953, nearly 20 million small business owners have received direct or indirect help from one of the SBA's lending or technical assistance programs, making the agency one of the government's most cost-effective instruments for economic development.

The SBA current loan portfolio of more than 200,000 loans, worth more than $45 billion, makes it the largest single supporter of small businesses in the country. Last year alone, lenders have made 83,912 loans to small businesses in the SBA's two major loan programs, with a total value of $16.5 billion.

Moreover, the SBA Small Business Investment Company program's current portfolio of more than 16,900 financings with an initial investment amount of $17.2 billion makes it the largest single equity-type backer of U.S. businesses in the Nation. Since 1958 the venture capital program has put more than $42.3 billion into the hands of small business owners, and this year it has produced investments of more than $2.6 billion in small businesses.

The SBA estimates that in the last fiscal year its loan and venture capital programs have provided small businesses with $19.7 billion in various forms of financing, enabling small businesses to create or retain 716,144 jobs.

In my home state of Maine alone, almost 2,500 SBA loans have been provided since 1999, for a total of over $288 million, to small businesses that might not have qualified for loans through alternative channels. These loans are critical to providing capital to small businesses in every state and now more will be available to them for supplying this country with additional production, jobs, and income.

Through a great deal of hard work, many aspects of S.1375 that improved the SBA's largest loan program—the 7(a) program—were included in the omnibus package. To give you some examples, a National Preferred Lenders Pilot Program will be created, in which lenders already operating as Preferred Lenders in the 7(a) program in many districts can be granted Preferred Lender status on a nation-wide rather than district-by-district basis, thereby greatly increasing the program's efficiency. The maximum size of 7(a) Express loans have been increased from $250,000 to $350,000 and the maximum 7(a) guarantee is increased from $1 million to $1.5 million.

The SBA 504 loan program, which supports real estate and machinery investments, will also benefit. The maximum 504 guarantee, previously $1 million, is increased to $1.5 million for a general 504 guarantee and $4 million for a guarantee that supports a manufacturing project. For a loan that supports one of the nine ''public-policy'' goals named in the Small Business Investment Act of 1958, the maximum guarantee is increased from $1.3 million to $2 million.

Let me share some additional highlights of the provisions that are included.

As Chair of the Senate Committee on Small Business and Entrepreneurship, co-chair of the Senate Task Force on Manufacturing, and Senator from a state with a rich manufacturing history, I am keenly aware that our nation's economy and security depends on our industrial base.

Unfortunately, manufacturing jobs in the United States have declined since their historic peak in 1979 and that loss has accelerated in recent years. Small business manufacturers constitute over 98 percent of our nation's manufacturing enterprises. It is impossible to overstate the role of small manufacturers within the overall manufacturing industry and our nation's economy.

The bill includes a section that derives from S. 1977, the Small Manufacturers Assistance, Recovery, and Trade, SMART Act, which I and original cosponsor Senator GEORGE V. VOINOVICH introduced on November 25, 2003. Specifically, it establishes a Small Business Manufacturing Task Force within the Small Business Administration, charged with ensuring that the administration is properly addressing the particular needs of small manufacturers.

I am also particularly pleased that the Omnibus bill contains $109 million for the Manufacturing Extension Partnership, a cost-effective, public-private partnership that helps small and medium-sized American manufacturers modernize to compete in the demanding global marketplace.

The MEP's funding had been drastically reduced in 2004, dropping to $39.6 million from a previous level of $106 million. Those drastic cuts threatened to destroy the MEP program, which is relied upon by small manufacturers across our nation.

At a time when these manufacturers are facing an unprecedented level of competition from across the globe, it is vital that we continue to provide them the tools and resources that allow them to remain competitive and to

continue to provide well paying jobs to millions across our country.

For our veterans who give so much to our nation and who continue to take risks on the battlegrounds of the business world, the bill includes language that I originally included in S. 1375, extending the Advisory Committee on Veterans Affairs as a separate entity to continue its functions through September 30, 2006.

The Advisory Committee responsibilities include providing better assistance and support to veterans who are forming and expanding small businesses, and providing advice to Congress and the Small Business Administration on policy initiatives to promote veteran entrepreneurship.

With this legislation, Congress is also taking important steps towards fulfilling its promises to pry open the doors of public procurement for small businesses. Small entrepreneurs continue to face persistent barriers in accessing government prime contracts and subcontracts. Many of these barriers have been erected in the middle of the very programs designed to assist small entrepreneurs who are socio-economically disadvantaged or who do business in Historically Underutilized Business Zones. Therefore, it has been no surprise that the Federal Government has never come close to satisfying its statutory HUBZone prime contracting goals.

Among other items taken from my earlier SBA bill, S.2821, this bill expands the definition of HUBZone-eligible firms to promote inflow of capital to HUBZone areas, tap the potential of small agricultural cooperatives, and place tribally-owned HUBzone firms on equal footing with other participants. It also extends the HUBzone program to military base closure areas such as the former Loring Air Force Base and protects companies located in rural HUBZone areas like Aroostook County, ME, from losses of their HUBZone status due to area redesignations. Duplicative paperwork burdens imposed on 8(a) firms trying to do business with state and local governments are also being lifted.

Mr. President, I would also like to comment on the funding levels provided for the SBA in this bill. Since FY 2001, funding for the SBA has decreased by more than 32 percent, the largest decrease of any agency funded with discretionary spending. I understand the need to be particularly fiscally responsible this year, given the size of the deficit, but such a large cut to programs that focus on creating jobs is a mistake.

The funding included for the SBA Microloan program will provided entrepreneurs with a source of financing when no other options are available. With over $27 million in loan provided through this program last year, I am satisfied that the bill closely reflects my funding request.

I am pleased with the funding levels provided for the SBA technical assistance programs, especially the funding provided for the Women's Business Center program. During this Congress, I worked with the administration and the House of Representatives to pass legislation that would sustained funding for the most experienced centers.

With women-owned firms generating almost $2.5 trillion in revenues and employing more than 19 million workers, they are the fastest growing segment of today's economy. In my home state of Maine alone, more than 63,000 women-owned firms generate more than $9 billion in sales. The funding included in this bill for these centers ensures that there are resources available to continue creating success stories for America's women entrepreneurs.

I am deeply concerned that the final Omnibus bill did not reflect the Senate bill and include funding for the SBIR and STTR programs of $2 million and $250,000 respectively. These programs facilitated over $1.5 billion in government research and development grants to small businesses. Moreover, since the inception of the program in 1982, SBIR firms have produced more than 4,100 patents. Without the funding for these programs not only do our small businesses suffer but so does our nation. These programs capitalize on the small business sector's innovative potential. Technological innovation creates jobs, improves our way of life, and helps American companies maintain their competitive advantage.

I applaud America's small businesses that continue to rise to the challenge of keeping this country innovative and strong. Three to four million new business start-ups each year and 1 in 25 adult Americans accept the risks of starting a business. Today's small business owners are making plans for tomorrow, including decisions that will create approximately two-thirds of all net new jobs helping to sustain local communities, according to a recent National Federation of Independent Business survey.

Over the last 5 years the SBA's programs and services have helped create and retain over 6.2 million jobs. According to the SBA, the $65.5 billion awarded to small businesses in Federal prime and subcontracts in FY 2003 will create or retain close to 500,000 jobs. This bill should bring about similar or even greater results in the next few years.

Too much was at stake for small businesses, and the economy as a whole, to allow SBA reauthorization to languish. It was time for Congress to find essential agreement and fulfill its obligation to America's small businesses. Clearly, if we strove for anything less, we'd have failed to support the backbone of our economy, our hope for innovation and new technology, and our small firms that employ millions across the nation.

Again, I thank my colleagues who joined me in supporting this crucial legislation, thereby bolstering American small businesses and protecting Americans' dreams.

Mr. President, Division K of H.R. 4818, the Consolidated Appropriations Act for 2005, contains the Small Business Reauthorization and Manufacturing Assistance Act of 2004. Since the Act was incorporated directly into the Consolidated Appropriations Act for 2005, no committee report accompanies the legislation.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I am submitting for insertion in the RECORD, the attached explanation of Division K. I would expect the administrator of the Small Business Administration, in implementing the provisions of this act, to accord the enclosed explanation the same weight in divining congressional intent that the administrator would give to language in a conference report. This expectation is particularly appropriate in this circumstance because the provisions were negotiated and agreed to in cooperation with my counterpart in the United States House of Representatives.

The Small Business Administration 50th Anniversary Reauthorization Act of 2003, S.1375, is a bill to reauthorize most programs at the SBA for Fiscal Years 2004, 2005, and 2006. Additionally, the bill makes changes to various existing programs and authorizes several new pilot initiatives. S.1375 was adopted by the Senate Committee on Small Business and Entrepreneurship by a unanimous vote of 19–0.

S. 1375 was the product of a series of hearings and roundtable discussions that the committee held in 2003 on a wide spectrum of issues and SBA programs.

The committee completed its series of hearings and roundtables on SBA reauthorization with a hearing on June 4, 2003, that included SBA Administrator Hector Barreto. This hearing provided an additional opportunity for the agency to respond to issues raised during the previous roundtable discussions, discuss its legislative package that was submitted to the Committee for review, and comment on the President's fiscal year 2004 budget submission. The hearing also examined a number of agency management issues including the SBA's efforts to obtain a clean audit opinion on financial statements, implementation of a loan monitoring system, and workforce transformation plans.

In addition to containing sections from the Small Business Administration 50th Anniversary Reauthorization Act of 2003, the Omnibus includes sections that derive from S. 1977, the Small Manufacturers Assistance, Recovery, and Trade (''SMART'') Act, offered by Senator SNOWE and original cosponsor Senator GEORGE V. VOINOVICH, introduced on November 25, 2003.

Examples of provisions from the SMART Act contained in the Omnibus are sections that increase manufacturers' access to capital, and a provision that creates a Small Business Manufacturing Task Force, within the SBA,

charged with ensuring that the SBA is properly addressing the particular needs of small manufacturers.

Throughout the hearings and roundtables, the Committee's objectives have been to single out the SBA programs that work well, identify the reasons for their superior performance, and apply those principles to programs that need improvement. The voluminous amount of information that the Committee collected through the hearings and roundtable discussions held this year and in the previous Congress as well as information received directly from small business stakeholders has contributed greatly to achieving that goal and the results are reflected in the bill.

While not all of the provisions of S.1375 are contained in Division K of H.R. 4818, I believe that by providing appropriate authorization levels, updating and improving SBA lending and technical assistance programs, and introducing new initiatives to assist America's 21st Century entrepreneurs, this bill will provide a sound foundation for the agency to begin its next 50 years of even greater service.

I ask unanimous consent that immediately following these remarks an explanatory statement describing the small business provisions of H.R. 4818 be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT DESCRIBING PROVISIONS OF DIVISION K OF H.R. 4818 FILED BY SENATOR OLYMPIA J. SNOWE

SECTION 101. EXPRESS LOANS

Section 7(a)(25)(B) authorizes the Administrator to create pilot loan programs. In exercising that authority, the Administrator created an ''Express Loan Pilot Program.'' The program authorizes lenders to use their own forms in submitting requests to the Administrator for the issuance of guarantees. Two significant restrictions are imposed by the ''Express Loan Pilot Program:'' the guarantee cannot exceed 50 percent of the loan and the maximum loan amount is $250,000.

Section 101 codifies, with a few significant differences, the provisions of Pub. L. No. 108–217, which addressed the Express Loan Program. The two most significant changes are the permanent authorization of the Express Loan Program by creating a new paragraph (31) in §7(a) of the Small Business Act and the statutory increase in the size of such loans to $350,000.

Section 101 defines an ''express lender'' as any lender authorized by the Administrator to participate in the Express Loan Program. Congress expects that the Administrator will establish by rule the standards needed to qualify as an Express Lender.

Section 101 defines an ''express loan'' as one in which the lender utilizes, to the maximum extent practicable, its own analyses of credit and forms. Congress fully expects that the conditions under which express loans are made will not vary significantly from those conditions that currently exist under the ''Express Loan Pilot Program.'' Nevertheless, Congress understands that the Administrator may wish to revise the standards and operating procedures associated with ''express loans.'' Nothing in the statutory language should be interpreted as prohibiting the Administrator from imposing these additional requirements that are otherwise consistent with the statutory language.

Section 101 codifies the existing concept of the Administrator's ''Express Loan Pilot Program.'' In other words, the ''Express Loan Program'' is one in which lenders utilize their own forms and get a guarantee of no more than 50 percent.

Section 101 restricts the program, including the increased loan amount of $350,000, to those lenders designated as express lenders by the Administrator. Designation as an express lender does not limit the lender to making express loans if the lender has been authorized to make other types of loans pursuant to §7(a) of the Small Business Act. Although a lender may only seek status as an express lender, this section was included to ensure that the Administrator not limit the ability of an express lender to seek other lending authority from the Administrator. Nor is the Administrator permitted to change its standards for designating an express lender in a manner that only authorizes the lender to make express loans. To the extent that the lending institution wishes to offer a full range of loan products authorized by §7(a) and is otherwise qualified to do so, the Administrator shall not restrict that ability on the lender's status as an express lender.

Section 101 prohibits the Administrator from revoking the designation of any lender as an express lender that was so designated at the time of enactment. This prohibition does not apply if the Administrator finds the express lender to have violated laws or regulations or the Administrator modifies the requirements for designation in a way that the express lender cannot meet those standards. Congress does not expect that the Administrator will impose new requirements for express lenders that prohibit them from making loans under other loan programs authorized by the Small Business Act for which they have approval from the Administrator.

Congress, at the request of the Small Business Administration, determined that it was appropriate to expand the size of ''express loans'' to $350,000. Any change in the size of an express loan now will require action by Congress.

Congress is concerned that the Administrator will take regulatory actions that unduly favor express lending over other types of lending authorized by §7(a) of the Small Business act. As such, Congress incorporated a provision prohibiting the Administrator from taking any action that would have the effect of requiring a lender to make an express loan rather than a conventional loan pursuant to §7(a). Any significant policy change in the operation of the lending programs authorized by §7(a) of the Small Business Act requires notification to the House and Senate Small Business Committees. Furthermore, the statutory language on notification goes beyond that which is required pursuant to §7(a)(24) of the Small Business Act.

SECTION 102. LOAN GUARANTEE FEES

Section 102 increases the loan guarantee amount to a maximum of $1.5 million. Given the fact that borrowers are getting an additional increment in loan guarantees, the sponsors determined that it would be appropriate to require an additional 0.25 percent fee for the amount of guarantee in excess of $1 million. Thus, on the amount of the guarantee between $1 million and $1.5 million, the upfront fee authorized pursuant to §7(a)(18) of the Small Business Act increases from 3.5 percent to 3.75 percent but only for that portion of the loan guarantee in excess of $1 million. This is consistent with typical commercial lending practices of charging fees that are commensurate with the lenders' exposure to risk.

Section 102 also raises the fee collected by the Administrator from banks of the unpaid balance of deferred participation loans. To avoid situations such as those that occurred at the end of calendar year 2003 in which the Administrator was required to drastically reduce lending and impose other restrictions on the program, Congress determined that it would be appropriate for the Administrator to have some discretion in setting the fee paid by lenders on the unpaid balance. The total amount of the fee cannot in any year, exceed 0.55 percent of the unpaid balance. Congress expects the Administrator to use this authority only when needed to drive the cost, as that term is defined in the Federal Credit Reform Act, of the loan program to zero, i.e., not need an appropriation. Any use of this discretion to raise the fee beyond the current level of 0.5 percent should trigger the notification provisions in §7(a)(24) of the Small Business Act. As a further oversight tool, Congress expects that the Administrator would satisfy any relevant committee's request for information on the utilization of this discretion.

Finally, Congress determined that the Administrator also be given the authority to lower fees charged to borrowers and lenders if the subsidy cost becomes negative, i.e., the fees will actually take in more money to the government than it costs to operate the §7(a) loan program. Congress adopted an approach that the Administrator, should it undertake a fee reduction, first consider reducing the fees set forth in clauses (i)–(iii) of subsection 7(a)(18)(A) and then reduce fees on lenders. As a further restriction on the discretion of the Small Business Administration, the fees that were charged to borrowers on the date of enactment of this conference report may not be raised. Congress adopted this language to ensure that any fee increases to borrowers beyond the statutory limits requires the action of Congress.

SECTION 103. INCREASE IN GUARANTEE AMOUNT IN INSTITUTION OF ASSOCIATED FEE

Access to capital is vital to the growth of small businesses. Particularly for manufacturers and high technology research and development businesses, typical amounts of capital available under the existing loan limits authorized by §7(a) of the Small Business Act often are inadequate. Given the importance of capital to grow small businesses, Congress determined that it would be appropriate to permanently increase the amount

of the loan guarantee from $1 million to $1.5 million. No additional changes were made in the overall statutory cap of a gross $2 million loan. Thus, the Administrator will be able to guarantee up to $1.5 million of a $2 million loan rather than the current limit of $1 million. Congress expects that this will increase the number of lenders willing to make loans to small manufacturers who face significant global competition.

SECTION 104. DEBENTURE SIZE

Congress raised all of the loan limitations for qualified state and local development companies (''CDCs'') because they had not been raised in many years and the long-term financing needs of small businesses were not being met by loans that did not exceed the thresholds for loans made pursuant to §7(a) of the Small Business Act. Raising the loan limitations has two effects. First, it signifies the recognition that Title V of the Small Business Investment Act and §7(a) of the Small Business Act has very different purposes in mind. Second, an increase in the threshold allows more effective economic development projects to be funded by CDCs.

Congress believes that the increases to $1,500,000 for regular projects, $2,000,000 for public policy goal projects, and $4,000,000 for small manufacturers will provide significant new financial inputs to small businesses in general and to small manufacturers in particular.

While all small businesses whose primary industrial classification is in North American Industrial Classification sectors 31, 32, and 33 (the sectors for manufacturing), not all small business concerns in those sectors are considered small manufacturers. Congress adopted a requirement that small manufacturers should be limited to those small business concerns that have all of their production facilities are located in the United States. Congress does not intend that small business concerns that have manufacturing facilities situated outside of the United States should be denied assistance under programs operated by the Small Business Administration. However, special benefits should be afforded to those manufacturers whose production facilities are located in the United States. Finally, the definition in §106 is identical to the definition in this section thereby avoiding any potential interpretive concerns about what the legislature meant when it used the same term in different sections of legislation.

SECTION 105. JOB REQUIREMENTS

The Administrator has promulgated regulations, pursuant to §501 of the Small Business Investment Act mandating that a loan made by a CDC must create or save one job for each $35,000 in guarantee. This standard has not been revised since it was adopted in 1990. The standard clearly does not reflect inflation or the dramatic increases in productivity that has led to higher wages for all employees. Congress determined that the standard should be revised to take account of the changes in the economy during the past 14 years. Therefore, §105 statutorily raises the job creation standard to one job for every $50,000 in guarantees.

Manufacturing requires greater capital investment than other businesses. Such investment may lead to higher productivity for small manufacturers and therefore fewer jobs created per investment. Congress does not want to prejudice the ability of CDCs to fund projects that would assist small manufacturers. Section 106 establishes a standard that authorizes CDC loans to small manufacturers if the project creates one job for each $100,000 of guarantee.

CDCs do not need to meet job creation standards for individual loans if the loan is used to further one of the public policy objectives in §501(d). Section 105 modifies that requirement slightly by exempting a particular project from the job creation standards if the project was meeting a public policy objective and if the CDC's overall loan portfolio creates one job for $50,000 in guarantees.

Since the basic premise of loans made pursuant to Title V of the Small Business Investment Act is to encourage economic development, Congress concluded that it made sense to establish a different standard for job creation in economically-depressed areas or places with unusually high wage requirements. Congress believes that CDCs should be provided more leeway in creating jobs in economically-depressed areas and Alaska and Hawaii. As a result, CDC loans in these areas only need to meet a more lenient job creation standard of one job per $75,000 of guarantee in certain areas.

Given the importance of small manufacturing to economic development, Congress excluded loans to small manufacturers from the calculations needed to determine whether a CDC's loan portfolio meets the overall job creation standard of one job per $50,000 of guarantee or the $75,000 standard for high-wage and economically-depressed areas. Congress intends that the public policy goals set forth in §501 should be accomplished without reference to job creation for small manufacturers. Section 105 also authorizes the Administrator to waive any of the standards when appropriate. Congress expects that the Administrator will promulgate regulations specifying when the job creation standards will be waived. Two restrictions are imposed on the Administrator's discretion. First, the Administrator may not waive the requirements concerning small manufacturers. Second, the Administrator may not mandate a job creation standard with a number lower than that set forth in §105 but does have the liberty to set a higher dollar guarantee per job standard. These restrictions ensure that the Administrator does not undermine the ability of CDCs to lend to small manufacturers.

SECTION 106. REPORT REGARDING NATIONAL DATABASE OF SMALL MANUFACTURERS

Institutions of higher education can play a vital role in reviving small manufacturers. Universities must purchase large amounts of standard manufactured products (often on an annual basis—such as furniture for dormitory rooms). They also often purchase very sophisticated tools and laboratory equipment that small manufacturers may produce. Congress believes that some mechanism should be in place so that institutions of higher education can identify suppliers from the universe of small manufacturers. While not an ideal system, a database similar to PRO–NET represents a useful model for making institutions of higher education aware of the capabilities of small manufacturers. PRO–NET is a database operated by the federal government in which the capabilities of numerous small businesses are outlined. Contracting officers use PRO–NET to find small businesses capable of providing goods and services. Section 106 requires the Administrator and the Association of Small Business Development Centers to study the viability of creating a PRO–NET-like database that all institutions of higher education can use to identify small manufacturers (the definition is identical to the definition in §§104–05) capable of providing their procurement needs. The bill also requires a report to Congress on the viability and cost to establish such a database.

SECTION 107. INTERNATIONAL TRADE

All §7(a) loans can be used to refinance existing debt except for international trade loans. Congress determined that the restriction did not make sense especially since businesses harmed by unfair international competition will be more competitive if their debt service payments are lower. Therefore, Congress authorized businesses otherwise eligible for an international trade loan to use it for refinancing of debt but only to the extent that the Administrator determines the applicant's existing debt is not structured with reasonable terms and conditions. Congress expects that the Administrator examine the interest rate being charged relative to the interest rates generally available for similar businesses to determine whether the terms and conditions are not reasonable.

To obtain an international trade loan, the applicant must demonstrate that the business either is engaged in or adversely affected by international trade. To avoid the necessity of having to prove adverse effects if other government agencies already reached that conclusion in the same industry as the borrower, Congress mandated that the Administrator must accept as conclusive proof of injury a finding by the Secretary of Commerce issued pursuant to chapter 3 of Title II of the Trade Act of 1974 or any determination by the International Trade Commission. If an applicant is in an industry for which the Commission or the Secretary has made an injury finding, Congress concluded that it would be pointless to require the small businesses so suffering to go through the additional expense of presenting new evidence to the Administrator of injury.

Congress intends that the utilization of the findings by the Secretary or the Commission is not a limiting factor if a small business can present other evidence of injury. For example, the Commission or Secretary may not find that an industry was injured or that no claims were made to either agency. Nothing in §107 prevents a small business from presenting of evidence of specific injury to his or her business. The Administrator then would be required to rule on the adequacy of the proof, and if sufficient evidence was found of injury, make a loan under §7(a)(16).

Section 107 also provides for an increase in the size of international trade loans. Given the nature of international trade, Congress typically has mandated that loan caps be $250,000 higher than those for conventional §7(a) loans. This section maintains that practice and increased the cap for international trade loans based on the increase in the guarantee fees for conventional loans.

SECTION 121. PROGRAM AUTHORIZATION LEVELS

This section amends §20 of the Small Business Act and provides for authorization of appropriations. Congress selected authorization levels with sufficient room to allow for expected growth and expansion of programs authorized by the Small Business Act and Small Business Investment Act. Congress also determined that an authorization of appropriations not elsewhere provided should apply to all of the Small Business Investment Act.

Finally, Congress concluded that the existing standing authorization of appropriations only for carrying out title IV of the Small Business Investment Act was illogical. Section 121 amends §20 to provide for an authorization of appropriations not elsewhere provided for carrying out both the Small Business Act and all titles of the Small Business Investment Act.

SECTION 122. ADDITIONAL REAUTHORIZATIONS

The Small Business Development Center (SBDC) program's authorization levels are set forth in §21 of the Small Business Act. Congress provided modest authorization increases for the SBDCs to take account of necessary growth in providing services to entrepreneurs. In addition, Congress also extended the authority of SBDCs to provide

drug-free workplace counseling. This authority would have lapsed without the change. The extension of authority will give the SBDC grantees sufficient time to coordinate their actions with the grantees under the revised drug-free workplace program.

Given the SBDCs expertise in providing assistance to entrepreneurs, Congress established a program authorizing grants to SBDCs that are willing to offer advice in communities that are economically challenged due to business or government facility down-sizing or closing. Congress expects that this assistance will first be offered to communities suffering from plant closings, then to communities suffering from government office closings, and finally to base realignments. To the extent that other bases are closed in future years, Congress expects that legislation concerning such closures will provide additional assistance to the surrounding communities and that assistance provided under §122 should be utilized in other areas that do not receive the directed assistance associated with base closures.

SECTION 123. PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM AUTHORIZATION PROVISIONS

Congress recognizes that small businesses need drug free workplaces. Drug-free workers boost productivity and reduce the costs of health care coverage and absenteeism. As a result, Congress reauthorized the program for two years at the five million dollar level. In addition, to ensure that funding is maximized to eligible intermediaries that specialize in providing drug-free workplace assistance to small businesses, Congress adopted a limitation on the amount of funds that can be awarded to SBDCs for carrying out the purposes of the Paul D. Coverdell Program. Furthermore, Congress, again in an effort to maximize limited dollars, restricts the use of funds for administrative purposes to five percent of the total made available to grantees. Nothing in this limitation restricts the drug-free workplace advice that SBDC grantees are authorized to provide in their normal course of operations.

SECTION 124. GRANT PROVISIONS

Congress recognized that improvements in coordination between the activities of drug-free workplace eligible intermediaries and SBDCs might improve delivery of services to small businesses. As a result, Congress established a grant program within the Paul D. Coverdell Drug-Free Workplace Program to promote cooperation between eligible intermediaries and SBDC grantees. Congress expects that the Administrator award the two-year grants to those applicants that best demonstrate the capacity to deliver advice in a coordinated manner between SBDCs and eligible intermediaries.

SECTION 125. DRUG-FREE COMMUNITIES COALITIONS AS ELIGIBLE INTERMEDIARIES

Congress recognizes that there are numerous entities that receive grants under chapter 2 of the National Narcotics Leadership Act of 1988 but are not currently authorized to participate as eligible intermediaries under the Paul D. Coverdell Drug-Free Workplace Program. This section makes these National Narcotics Leadership Act grantees, which could provide valuable insight into establishing drug-free workplaces, eligible to receive awards under the Paul D. Coverdell Drug-Free Workplace Program. Inclusion of new additional parties should not be interpreted as directing the Administrator to favor them over others that apply for grants under the Paul D. Coverdell Drug-Free Workplace Program.

SECTION 126. PROMOTION OF EFFECTIVE PRACTICES OF ELIGIBLE INTERMEDIARIES

To ensure that the Paul D. Coverdell Drug-Free Workplace Program operates optimally, Congress mandates that the Administrator provide best practices to eligible intermediaries. The Administrator should use all of its available outreach resources, including SBDCs, Women Business Centers, and district offices to insure that eligible intermediaries are kept apprised of best practices.

Congress also believe that the performance of eligible intermediaries should be assessed and measured. Such evaluations will be useful to Congress when it considers what changes, if any, need to make the program even more effective. This section establishes the procedures for collecting data needed to evaluate the efficacy of the program.

SECTION 127. REPORT TO CONGRESS

This section requires the Administrator to use the data collected under §126 and report to Congress on the efficacy of the program and dissemination of drug-free workplace information. Congress expects the relevant committees to examine the report and make necessary legislative changes as a result to ensure optimal operation of the Paul D. Coverdell Drug-Free Workplace Program.

SECTION 131. LENDER EXAMINATION AND REVIEW

Current practice authorizes SBIC licensees to pay for examination and reviews conducted by the Administrator. Congress determined that the same principles should apply to lenders authorized to make government-guaranteed loans under §7(a). This section grants the Administration the authority to charge for examinations and reviews. The section also requires that the fees be directed to lender oversight activities including the payment of salaries and expenses of Administration personnel involved in such functions. This authority does not imply that the fees may be directed to the reimbursement of other functions of the Administration.

SECTION 132. GIFTS AND CO-SPONSORSHIP OF EVENTS

Gifts and co-sponsorships play a useful role in the Small Business Administration's performance of its outreach function to small businesses. Congress determined that even broader language than is currently permitted was necessary to ensure the Administration's continued ability to obtain gifts and seek co-sponsorships. In particular, Congress recognized that in many instances the Administration does not receive gifts but rather contributions are made by a co-sponsoring entity to an Administration event, such as small business forum. In other instances, the SBA uses gifts to pay for promotional materials, such as cards that are handed out in district offices to promote an event. This section clarifies and broadens the existing authority of the Small Business Administration to obtain gifts and co-sponsorships in order to expand the agency's outreach. To ensure appropriate clarity, Congress added the term ''recognition events'' which would include Small Business Week and sponsorship of dinners during that period. The section also requires the Administration to recognize the co-sponsors of such events but only to the extent of their contributions. No endorsements of the co-sponsors products or services are permitted.

In order to ensure that conflicts of interest do not arise in the solicitation or acceptance of gifts, Congress requires the General Counsel to determine whether a conflict of interest exists. If a determination that a conflict of interest exists, the General Counsel is empowered to prohibit the solicitation or acceptance. Finally, the language clarifies that the Administrator may delegate the approval of co-sponsorships to the Deputy Administrator, Associate Administrators, and Assistant Administrators. No personnel located in district or regional offices are permitted to approve co-sponsorships. Congress adopted this restriction to ensure close cooperation with the General Counsel of the Administration.

Congress also requires that the Inspector General audit the use of such gifts and co-sponsorships. This avoids potential abuses of the program through independent oversight of an official whose investigations cannot be impeded by the Administrator or Administration personnel. Congress wanted additional assurances (beyond the Inspector General audit) that the Small Business Administration achieved a proper balance between this new expanded authority and accountability. As a result, a sunset date of 2006 was added in order to properly monitor this new authority before considering making this language permanent in the Small Business Act.

SECTION 141. SERVICE CORPS OF RETIRED EXECUTIVES

Currently, the Administrator has the discretion whether to permit the Service Corps of Retired Executives (SCORE) to maintain offices at the headquarters of the Administration and pay employees of SCORE. Congress determined that the vitality of SCORE should not be subject to whims of the Administrator and therefore require that the Administrator maintain SCORE's offices at the Administration's headquarters and continue to pay for the salaries of SCORE personnel. Congress notes that this will not require any increased appropriation since these services and expenses are currently included in the Small Business Administration's budget.

SECTION 142. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM

Congress remains concerned that SBDCs were and may continue to be revealing the name of businesses that seek their advice to Administration employees for functions unrelated to the financial auditing or client surveys needed to oversee the operations of the SBDC grantees. Congress believes that such behavior is intolerable. This section prohibits the disclosure of client information (including the name, address, telephone and facsimile numbers, and e-mail address) of any concern or individual receiving assistance from a SBDC grantee or its subcontractors (who operate service centers that business owners can utilize to obtain advice) unless the Administrator is ordered to make such disclosure pursuant to a court order or civil or criminal enforcement action commenced by a federal or state agency. Congress expects that SBDC grantees will only respond to formal agency requests, such as civil investigative demands, and subpoenas.

Congress also recognizes that the Administrator has significant management responsibilities to ensure that federal taxpayer dollars are wisely used by grantees and are in compliance with the law, regulations, and the cooperative agreements signed by SBDC grantees. Congress authorizes the SBDC grantees to provide client names for the purposes of financial audits conducted by the Administrator or Inspector General and for client surveys to ensure that the SBDC grantees are satisfying certain aspects of their grant agreements. Congress recognizes that client surveys may be misused and impose restrictions on their use. Until regulations are in place to ensure that SBDC grantee client's privacy is protected to the maximum extent practicable given the management oversight responsibility of the Administrator, Congress requires client surveys to be approved by the Inspector General and any approval incorporated into the

semi-annual report made to Congress.

This section also makes a technical change in wording of the SBDC program. It renames the certification program as an accreditation program. The change was made because institutions are accredited not certified. Since the program determines the quality of SBDCs, it makes sense to have them accredited not certified. An identical change is made in §20(a)(1)(D)–(E).

SECTION 143. ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS

Congress has determined that the federal government must provide better assistance and support to veterans in their efforts to form and expand small businesses. In 1999, as part of this effort, Congress established an Advisory Committee on Veterans Business Affairs. Its responsibilities included providing advice to Congress and the Small Business Administration on policy initiatives that would promote entrepreneurship by veterans. The responsibilities of this advisory board were to be taken over by the National Veterans Business Development Corporation on October 1, 2004. Congress determined that the Advisory Committee's role was sufficiently beneficial that it should not be subsumed within the National Veterans Business Development Corporation. As a result, Congress authorized an extension of the Advisory Committee as a separate entity to continue its functions through September 30, 2006.

SECTION 144. OUTREACH GRANTS FOR VETERANS

The Administration is authorized to provide outreach grants to help disabled veterans start and expand small businesses. Congress determined that the outreach grants should not be limited to disabled veterans. This section extends the authority to provide outreach programs to veterans and reservists.

SECTION 145. AUTHORIZATION OF APPROPRIATIONS

To express Congress' concern about adequate efforts to assist veterans, Congress determined that the Small Business Administration's Office of Veterans Affairs should have a separate authorization. This section provides for that separate authorization for fiscal years 2005 and 2006.

SECTION 146. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

A ruling by the Department of Justice concluded that the National Veterans Business Development Corporation was a federal agency for all purposes and thus subject to, among other things, federal administrative, personnel, and procurement laws. Congress, when it created the corporation, never intended that it would be considered a federal agency. The legislation mandated sufficient fundraising by the corporation that would eliminate the need for federal funding. While that fundraising continues, Congress determined that its original intent concerning the status of the corporation should be honored. This section makes it clear that the corporation is to be considered and treated as a private entity and not an agency or instrumentality of the Federal government.

SECTION 147. SMALL BUSINESS MANUFACTURING TASK FORCE

Manufacturing jobs in the United States have declined since their historic peak in 1979 and that loss has accelerated in recent years. Small business manufacturers constitute over 98 percent of our nation's manufacturing enterprises. It is impossible to overstate the role of small manufacturers within the overall manufacturing industry and our nation's economy. The House and Senate Small Business Committees have placed a high priority on trying to resuscitate the small business industrial base because economic security in the United States cannot occur in a purely post-industrial economy.

Section 147 establishes a Small Business Manufacturing Task Force within the Small Business Administration, charged with ensuring that the Administration is properly addressing the particular needs of small manufacturers. Specifically, the Small Business Manufacturing Task Force will: (a) evaluate and identify whether existing programs and services are sufficient to serve small manufacturers' needs, or whether additional programs or services are necessary; (b) actively promote the SBA's programs and services that serve small manufacturers; and (c) identify and study the unique conditions of small manufacturers, and develop and propose policy initiatives to support and assist them. This section also instructs the Small Business Manufacturing Task Force to submit a report of its findings and recommendations to the President and the Senate and House Small Business Committees not later than 12 months after the effective date of the bill and annually thereafter. In carrying out their obligations under this section, Congress expects that the Task Force will consult with other agencies that have manufacturing responsibilities, such as the Department of Commerce.

SECTION 151. STREAMLINING AND REVISION OF HUBZONE ELIGIBILITY REQUIREMENTS

The Historically Underutilized Business Zone (HUBZone) program was designed to direct portions of federal contracting dollars into areas of the country that in the past have been out of the economic mainstream. HUBZone areas, which include qualified census tracts, poor rural counties, and Indian reservations, often are out-of-the-way places that the stream of commerce passes by, and thus tend to be in low or moderate income areas also characterized by comparatively high unemployment. These areas can also include certain rural communities and tend generally to be low-traffic areas that do not have a reliable customer base to support business development. As a result, businesses have been reluctant to move into these areas and expend the necessary funds to develop the infrastructure for creation of jobs. It simply has not been profitable, without a customer base, to keep those businesses operating.

The HUBZone program seeks to overcome these problems by providing the means for Federal procurement activities to become customers for small businesses that locate in HUBZones. While a small business works to grow, expand its payroll, and establish a solid base of commercial or other customers, federal business opportunities can be of vital importance. Federal prime and subcontracts can become an important source of revenue for a HUBZone small business, and prime contracts in particular can help stabilize revenues, establish valuable past performance record, and maintain future profitability.

In past years, the HUBZone program has encountered issues relating to the statutory requirement that a HUBZone firm be entirely owned and controlled by individual U.S. citizens. This requirement means that all HUBZone applicants need to be owned by human beings directly and not human beings organized as business entities. However, many small business owners and small business investors prefer to take advantage of various corporate forms in order to limit the personal liability for themselves and their families. Exceptions for Alaska Native Corporations, Indian tribal governments, and community development corporations were added by the Small Business Act reauthorization legislation in 2000. Even with those changes, the presence of a corporate entity or a limited liability company with an ownership stake in a small business would have automatically disqualified an otherwise eligible firm from participation in the HUBZone program. Small agricultural cooperatives, which already maintain presence in rural HUBZones, would have faced similar restrictions. These rules unnecessarily impede the flow of capital to the very areas that need it the most and create compliance conflicts with other small business procurement programs.

Section 151 addresses this problem through streamlining and revision of the eligibility requirements for HUBZone small businesses to include small businesses that are 51 percent owned by United States citizens, as well as to include small businesses which are small agricultural cooperatives or are owned and controlled by small agricultural cooperatives.

In addition, HUBZone firms owned by the Indian tribes have been facing peculiar challenges due to statutory requirements that they must hire a certain percentage of its workforce performing a federal contract or subcontract from Indian reservations or adjacent areas. These requirements, while motivated by the desire to spur economic development of the tribes, over time had the unintended consequence of putting tribally-owned firms at a disadvantage in comparison with all other HUBZone concerns by imposing a geographic restriction on the kinds of contracts that tribally-owned HUBZone firms could perform. Geographic restrictions also impeded business synergies between tribally-owned HUBZone firms and Alaskan Native Corporations. To remedy this disparity, Section 151 is providing tribally-owned HUBZone concerns the option of qualifying for the program based on locating in, and hiring workers from, either Indian reservations or any other HUBZones on the same terms as available to other HUBZone firms. Congress notes that the Indian tribes, as owners of the HUBZone firms, will be receiving expanded economic benefits from new contracting opportunities.

SECTION 152. EXPANSION OF QUALIFIED AREAS

Congress observes that the HUBZone area qualifications are also in need of improvement. Paradoxically, economically distressed rural communities in states with high unemployment—among the neediest of needy areas—currently do not qualify for the HUBZone program because rural areas currently must qualify in relation to the statewide unemployment average. As an example, in calendar year 2003, Alaska had a statewide unemployment rate of 8.0 percent. To qualify as a HUBZone area, it was necessary for an Alaskan rural community to have an 11.2 percent unemployment rate. But, in 25 of the 50 states, a rural community could have qualified as a HUBZone with an unemployment range of 7.8 percent or less.

Section 152 addresses this problem by modifying the definition of a ''qualified nonmetropolitan county'' to provide the option of comparing the unemployment statistic for that area to the statewide average or to the national average. The new statutory HUBZone definition should give the Small Business Administration flexibility to address both national and state-wide unemployment disparities without hurting the states that have comparatively low unemployment overall, but with pockets of serious unemployment.

Congress recognizes the drastic economic ramifications of military base closures and that the HUBZone program can uniquely harness the strength and the creativity of the private sector by providing incentive for small businesses to relocate to areas suffering such ramifications. According to congressional research, more than 300 military bases closed or realigned between 1988 and 2003 and more than 50 percent of these bases were located outside of a designated HUBZone. Therefore, Congress intends that, upon the later of the enactment of this act or the date of final closure, existing as well as future military base closure areas be designated as HUBZones for a period of five years in order to reinvigorate the productive capacity of such areas and leverage existing local customers and a skilled workforce. Congress believes that new businesses and new jobs created through the HUBZone small firms mean new life for areas affected by base closure.

Additionally, Congress notes the existence of numerous complaints that the current definition of HUBZone qualified areas based on census income data, in conjunction with the definition of HUBZone qualified redesignated areas, fail to provide adequate time to recoup a return on investment. These concerns appear justified. Congress observes that the HUBZone program is relatively young, and the federal government is not even close to meeting its statutory prime contracting goal of 3 percent. Because the HUBZone program was enacted into law in 1997, the initial HUBZone areas were designated on the basis of the 1990 Census. However, the federal government conducted another census in 2000. As a result, many areas were redesignated after only 3 years of the program's existence. The statute currently grandfathers the redesignated areas into the program for 3 years.

Congress notes that, at the time of the last redesignation, the small business community received comparatively few benefits from the HUBZone program despite the substantial workforce recruitment, compliance, and business development efforts that must be expended by each of the HUBZone firms. These small businesses, which made business decisions to pursue the HUBZone strategy by locating in a HUBZone, adjusting their ownership structure, and recruiting HUBZone residents are in danger of being penalized for the federal government's slow initial implementation of the HUBZone program. Further, anecdotal evidence indicates that it may take a long time for a new firm to secure a federal contract, and that multiple-order contracts commonly envision task orders over a number of years. In these circumstances, a 3-year grandfather clause would appear not to provide sufficient time for a small business to generate a return on the HUBZone investment. By comparison, companies under the §8(a) program can maintain such a designation for 9 years, and a general small business designation can be maintained indefinitely. Therefore, Congress imposes a moratorium on HUBZone area redesignations by providing for an extension of the redesignation period until the conclusion of the 2010 Census. No certified HUBZone firm shall be decertified as a result of either the redesignation process based on the 2000 Census data or any revised unemployment data subsequent to December 21, 2000, the date of passage of enactment of the HUBZone in the Native America Act. It is the intent of Congress to have the Small Business Administration reinstate any HUBZone firm previously decertified based on these two criteria.

Congress also finds that, concurrently with the moratorium, a study on the effectiveness of the HUBZone area definitions, including the redesignation period, must be conducted by the Office of Advocacy of the United States Small Business Administration. The Office of Advocacy is chosen to conduct this study for its particular expertise in small business procurement, rural small business development, and general small business matters. Congress directs the Office of Advocacy to examine the impact and effectiveness of the HUBZone definitions on small business development and jobs creation, and expect that the Office of Advocacy will periodically consult with congressional small business committees on matters concerning this study. Findings and recommendations of the study must be reported to congressional small business committees by May 1, 2008.

SECTION 153. PRICE EVALUATION PREFERENCE

With regards to the application of existing HUBZone price preferences to international food aid procurements conducted by the United States Department of Agriculture (USDA), Congress concludes that the preferences as they currently stand are hindering the goals of U.S. foreign humanitarian food assistance programs. This view is supported by extensive consideration of market data from the Kansas City auction office of the USDA Farm Service Agency, the structure of auction tenders and other auction processes, as well as data supplied by the industry. It appears that there is a risk of various unintended and undesirable consequences to applying the current HUBZone mandate to international food aid acquisitions. In particular, it appears that, in the context of food aid tender auctions, the claimed job gains fostered by the current price preference are offset by job losses in other communities, the non-HUBZone small businesses attempting to compete may experience undue harm, and the competitive supplier base may atrophy. In turn, this may undermine USDA's capacity to secure adequate foodstuffs for malnourished persons and increase the costs to the food aid programs without realizing adequate jobs creation and business development benefits.

The HUBZone price preference alternative adopted in this act (a 5 percent price evaluation preference on 20 percent of the contract) would alleviate these potentially damaging effects on the U.S. food aid system. Congress believes that this approach would preserve the HUBZone program's goal of providing HUBZone-eligible companies with a meaningful opportunity to compete while ensuring that the USDA has an adequate capacity of supply from which to draw to deliver emergency food aid in catastrophic situations. This approach would also eliminate the current HUBZone program's application problem which directly penalizes non-HUBZone small businesses due to the nature of the food aid auctions. The potential for job losses in other communities would be limited. Importantly, this approach also reflects the cornerstone of America's efforts to provide food assistance to the world's neediest people through competitive markets.

According to President Dwight D. Eisenhower and congressional architects of the Small Business Act, an overarching purpose of small business procurement programs is to assure a vibrant, competitive supplier base for the Federal Government. Price preferences are employed to further this purpose, and should be structured accordingly. Congress notes that, in general, price preferences have been a valuable tool for encouraging a more robust supplier base. Nevertheless, Congress believes that, in these very special circumstances, it is important to encourage competition by keeping multiple vendors actively bidding in our food assistance programs to secure the lowest cost procurement and emergency supply chains in the case of humanitarian crisis. This approach builds on the current small business 10 percent set-aside by an additional 20 percent allocation of every tender to small businesses and HUBZone applicants. It guarantees full and open competition, including competition pursuant to the Small Business Act, in food aid procurement tenders to assure that U.S. food aid programs do not suffer consequences inconsistent with the intent of the price preference program. The approach in this legislation safeguards the dual interests of a vibrant small business presence in federal procurements and robust food aid programs.

SECTION 154. HUBZONE AUTHORIZATIONS

Congress notes that the Federal Government has failed to meet its statutory HUBZone contracting goals every single year these goals have been in effect. Continuous, dedicated authorization of the HUBZone program is essential to continue the effort to bring economic opportunities to the HUBZone areas. Therefore, Congress extends the current authorization of appropriations of $10,000,000 for the SBA's HUBZone program through Fiscal Year 2006.

SECTION 155. PARTICIPATION IN FEDERALLY FUNDED PROJECTS

Section 155 removes the burdensome paperwork requirements for additional certification by firms seeking to perform any State, or political subdivison projects that utilize federal dollars if they are currently certified, or otherwise meet the applicable qualification requirements, for participation in any program under §8(a) of the Small Business Act.

This change will: (1) provide federally certified §8(a) small businesses with access to all State and local projects funded in whole or in part by the Federal Government; (2) eliminate the burden of requiring §8(a) small businesses to get certifications from the State or local government or both in addition to their federal certification under §8(a); and, (3) decrease certification costs and eliminate time delays associated with the burden of receiving additional State or local government certifications for businesses authorized to participate in program established by §8(a) of the Small Business Act.

SECTION 161. SUPERVISORY ENFORCEMENT AUTHORITY FOR SMALL BUSINESS LENDING COMPANIES

This section creates a new §23 of the Small Business Act. It gives the Administrator specific enforcement and supervisory authority over Small Business Lending Companies (SBLCs) and Non-Federally Regulated SBA Lenders as those terms are defined in §162 of this conference report. The vast majority of lenders authorized to make loans pursuant to the Small Business Act have their lending and other activities overseen and regulated by federal financial regulators, including loans and corporate transactions related to their general lending practices. The Administrator makes no effort at regulating lending institutions except for their authority to make §7(a) loans.

In contradistinction, there are a few institutions that are authorized to make loans pursuant to §7(a) of the Small Business Act that are not typical lending institutions. SBLCs (except for two which are wholly-owned by national banks) are subsidiaries of industrial corporations and thus not subject to any regulation by financial regulators, other than certain filings made with the Securities and Exchange Commission. Non-federally regulated SBA lenders have some state oversight but the extent varies according to state law. The only authority that the Administrator has with respect to these

lenders is the ability to prohibit them from making loans pursuant to §7(a). The Administrator has no authority to take other regulatory action, similar to that available to banking regulators, to protect the public and the federal treasury. Congress concurs with the Administrator's request that greater authority is needed to regulate SBLCs and Non-Federally Regulated SBA Lenders.

The basic approach adopted by Congress enables the Administrator to supervise the soundness and safety of institutions authorized to make loans pursuant to §7(a) but are not otherwise subject to the strict oversight imposed by federal financial regulators. Congress concurs with the Administrator's request that specific enforcement and supervisory authority are needed. These authorities include the power to: issue cease and desist orders, impose civil money penalties, mandate capital standards, and remove officers and directors who are acting in an unsafe and unsound manner. The power and authority tracks closely the powers granted to the Administrator with respect to regulation of SBICs and their officers and employees. In some cases, Congress differentiated regulatory powers applicable to SBLCs and those applicable to Non-Federally Regulated Lenders. Nothing in this section grants the Administrator the authority to be extended to overall corporate management of the parent that owns a SBLC.

Congress provides for the Administrator to issue capital directives mandating maintenance of certain capital standards, including the requirement to increase its level of capital. The section also authorizes the Administrator to issue cease and desist orders by the SBLC or Non-Federally Regulated Lender. To ensure that the capital directive is used sparingly and only in appropriate circumstances, the Administrator is required to promulgate regulations on capital directives and may only delegate the authority to the Associate Administrator for Capital Access.

The Administrator also is empowered to suspend or remove officials that have management responsibility for the entity's lending pursuant to §7(a) of the Small Business Act. No authority, explicit or implied, is authorized to remove or suspend officials that do not have management responsibilities with respect to §7(a) lending. Thus, Congress expects that the Administrator take action not to suspend the Chief Executive Officer of General Electric Corporation but only its SBLC subsidiary.

Prior to the issuance of any order under this section except for a capital directive, the Administrator is required to provide any target of the order a hearing pursuant to §§554, 556, and 557 of the Administrative Procedure Act. The section delegates the responsibility of conducting the hearing to administrative law judges but the final responsibility on determining whether an order should issue rests with the Administrator based on the record developed at the adjudication. The approach is similar to that used by independent federal regulatory agencies such as the Federal Communications Commission or Federal Trade Commission. Those agencies use administrative law judges to conduct hearings and the commissioners use that record as the basis for their legal and policy determination. This bifurcation of the hearing from the decisionmaker ensures that the hearing will be fair and provide an opportunity for the target of an order to make the best possible case before an impartial fact-gathering tribunal.

The Administrator is authorized to issue orders prior to a hearing if extraordinary circumstances exist and the order is needed to protect the financial or legal position of the United States. The Administrator only should use the power to issue orders without a hearing only under those circumstances in which an agency issues a rule without notice and comment, i.e., a truly exigent circumstance, see, e.g., NRDC v. Evans, 316 F.3d 904, 912 (9th Cir. 2002); Utilities Solid Waste Group v. EPA, 236 F.3d 749, 754 (D.C. Cir. 2001) (good cause to forgo notice and comment applies only in emergency circumstances), or when a federal court would issue an ex parte temporary restraining order (but in order to preserve and protect the federal government rather than the status quo). Cf. Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers, 415 U.S. 423, 439 (1974) (noting that ex parte restraining orders necessary evil to protect status quo). The section then provides that the procedures for holding a hearing, including the notice requirement, be commenced within 2 days after the issuance of the order. Congress believes that this comports with the fundamental fairness exhibited by federal courts when issuing an ex parte temporary restraining order.

Congress' approach defines final agency action for purposes of a challenge to the issuance of an order by the Administrator and authorizes that a challenge may be commenced in federal court within 20 days after issuance of a final order. For purposes of fundamental fairness to individuals, Congress also believes that interim relief in federal court is appropriate for a stay of an order issued prior to hearing until the hearing itself is completed. Both of these provisions were added out of an abundance of caution. Although Congress believes that federal court jurisdiction challenging the Administrator's action may constitute a ''federal question'' pursuant to §1331 of the Title 28, United States Code, Congress determined that explicit authority to challenge the Administrator's orders in federal court removes any question that this decision has been remitted solely to the discretion of the agency and is not subject to review under Heckler v. Chaney, 470 U.S. 821 (1985).

This section authorizes a court to appoint a receiver for the entities subject to regulation pursuant to this section. The receiver is entitled to take possession of assets of the SBLC or Non-Federally Regulated SBA Lender. Congress intends this authority to extend only to the SBLC or Non-Federally Regulated Lender's portfolio of loans or other instruments guaranteed by the Administrator including any debentures, participating debt, or securities issued pursuant to the Small Business Investment Act.

Congress believes that suspension, revocation, or cease and desist is an extraordinary remedy. Each requires an extremely high burden of proof related to willful misconduct that may present a difficult case for the Administrator to prove. Therefore, the bill also provides the Administrator with the authority to seek court-imposed civil penalties for the failure to file reports required by the Administrator. Such penalties shall issue when the failure to file is willful and not due to neglect. The failure to file required reports for more than two reporting periods is, in the opinion of Congress, sufficient, but not the only evidence of willful neglect. Congress expects the Administrator to promulgate regulations outlining the factors that determine willful neglect for the purposes of civil penalties (as an aid to the entities regulated pursuant to §23). These regulations also must contain standards for exempting SBLCs and Non-Federally Regulated Lenders from the civil penalty provisions as well as the procedures used for determining whether the institution qualifies.

SECTION 162. DEFINITIONS RELATING TO SMALL BUSINESS LENDING COMPANIES

Almost all of the lenders authorized by the Administrator to issue guaranteed loans pursuant to §7(a) are lending institutions regulated by a federal financial regulator. However, there are a few institutions that make guaranteed loans that are not subject to federal financial regulatory oversight or regulation by a state banking authority. The Administrator classifies these institutions generically as ''small business lending companies.'' However, that universe actually consists of two separate entities—small business lending companies (not financial institutions) and financial institutions not subject to any agency authorized to review the safety and soundness of depositary institutions. Since §161 adds a new §23 granting the Administrator power to regulate these entities, §162 adds two new subsections to the definitions in the Small Business Act defining small business lending companies and nonfederally regulated SBA lenders.

SECTION 201. AMENDMENT TO DEFINITION OF EQUITY CAPITAL WITH RESPECT TO ISSUERS OF PARTICIPATING SECURITIES

Congress determined that changes were needed in the definition of equity capital with respect to any company that issues participating securities. Such companies, participating securities SBICs, commit to invest an amount equal to the outstanding face value of participating securities solely in equity capital. Equity capital refers to common or preferred stock or a similar instrument, including subordinated debt with equity features. Equity capital issued by participating securities SBICs previously provided for interest payments to be made to the Administration contingent upon—and limited to—the extent of earnings on equity capital. However, since the inception of the Participating Security SBIC program, the majority of SBICs have not realized sufficient profits with which to meet their financial obligations to the federal government. This has resulted in serious financial loss for the federal government. In order to mitigate these losses, the definition of equity capital has changed so that participating security SBICs do not have to realize profits on their investments in order to make payments to the Administration. If a participating security SBIC is experiencing overall losses on their investments but has other sources of funds such as invested excess funds, royalty payments, licensing fees and the like, Congress intends that these funds may be used to meet their obligations to the Administration.

SECTION 202. INVESTMENT OF EXCESS FUNDS

This section provides SBICs with additional flexibility for handling funds prior to investments in small businesses by allowing SBICs to invest such funds in additional types of securities. Currently, SBICs holding cash, prior to investing in a small business, are only permitted to invest directly in obligations of the United States, obligations guaranteed by the United States, or in certificates of deposit maturing within one year or savings accounts that are in institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. This section modifies the current restriction by permitting SBICs to invest in securities, mutual funds, or instruments, which themselves invest solely in the obligations that are currently permitted. For instance, Congress expects that SBICs will be able to invest in mutual funds that, in turn, invest in the government-backed obligations already authorized for investment in SBICs. Congress believes that this modification will provide SBICs with greater flexibility and a wider range of short-term investment options.

SECTION 203. SURETY BOND AMENDMENTS

Section 203(a) clarifies that the current $2 million limit on surety bonds applies to the

bond guarantee and not the contract size. Congress adopted this clarification to prohibit contracting officers from determining that small businesses would not qualify for an Administration-backed surety bond for a contract worth less than $2 million even though it was part of a bundle of contracts that exceeded $2 million. For example, a small business might be denied a surety bond if the small business had a contract for $1.5 million, but that contract was part of a $12 million bundle of contracts that had been awarded simultaneously.

Section 203(b) requires that an audit of each participating surety shall occur every three years instead of annually. This reduction in the frequency of audits will save participating sureties time and money and allow them to allocate these resources to more productive uses. In addition, this will enable the Administrator to focus on more critical elements since the sureties already provide reports on a periodic basis that would identify problems during the interregnum between audits.

Currently certain sureties designated by the Administrator may issue, monitor, and service surety bonds issued pursuant to Title IV of the Small Business Investment Act. This authority ceased to be operative on September 30, 2003 (but has been extended for short periods of time on a temporary basis). Congress determined that the authority for this program should be made permanent. Section 203(b) makes that change by repealing §207 of the Small Business Reauthorization and Amendment Act of 1988.

SECTION 204. EFFECTIVE DATE OF CERTAIN FEES

Loans made pursuant to Title V of the Small Business Investment Act do not require any appropriation. Fees charged to borrowers and CDCs absorb the costs associated with the issuance of such loans. When the zero-subsidy for the program was instituted, Congress made the fee authority temporary to see whether the program could survive without an appropriation. The program has succeeded admirably and Congress does not expect that an appropriation to fund loans made by CDCs will be made for the foreseeable future. As a result, Congress determined it was pointless to continue, as temporary, the Administrator's authority to charge fees for loans made pursuant to Title V of the Small Business Investment Act. Section 204 grants the Administrator permanent authority to charge fees.

Mr. President, I oppose language that has been included in the fiscal year 2005 Omnibus Appropriations that was authored by U.S. Representative DAVE WELDON the so-called Abortion Non-Discrimination Act amendment. This language will have a chilling effect on women's access to legal reproductive health services.

The Weldon language would allow a broad range of health-care entities to refuse to comply with existing Federal, State, and local laws and regulations pertaining to abortion services. This harmful language will severely limit patients' rights and access to services and information, thereby impeding their ability to make informed decisions about their health care options.

I join my colleagues in supporting a conscience clause that would allow doctors to opt-out from providing abortion services due to their moral or religious beliefs. That's why I worked with former Senator Dan Coats in 1996 to construct a conscience clause that is in law today that ensures medical students and medical teaching institutions have the ability to refuse to participate in abortion training if it is against their personal beliefs, while ensuring that women would have access to the highest quality medical care.

But this is not what the language in the Weldon amendment does. The Abortion Non-Discrimination Act is instead a sweeping new exemption from current laws and regulations pertaining to abortion services. Far from constituting a ''conscience clause,'' as the sponsors claim, the language that is included in the Omnibus is an overly broad opt-out from compliance of state or local laws ensuring access to abortion services which could have the consequence of limiting the availability of safe and legal health care.

This language would change existing law to say that Federal, State, or local governments may not require a health-care entity—broadly defined to include insurance companies, hospitals, and HMOs, among others—to perform, provide coverage of, pay, or even, most shockingly, refer for abortion services. Any law or regulation that did so would be considered ''discrimination'' against the health-care entity, in the words of the bill, and the requirement could not be enforced. What's more, the State or local entity that tried to enforce that law, would lose all funding under this bill.

Further, this language ignores the fact that more than 40 states already have conscience clauses that are in law today that allow individuals—and in many states larger health entities—to opt out of providing abortion services. In doing so, the authors of this provision undermine what in many cases were hard fought and carefully crafted conscience clauses instituted by our State and local governments.

Instead of accepting the language included in the bill before us, the Senate must have the opportunity to work, as Senator Coats and I did in 1996, to devise a compromise that would result in a conscience clause that allows for conscientious objection without impairing the provision of health care in America.

I am opposed to the inclusion of this language in the omnibus. This language will have a detrimental effect on women's health, it will override a state's or a locality's ability to require access to these services, and it will prevent women from exercising their right to decide what health care services they want to seek and limit their ability to access information about such services.

Senator BOXER has received a commitment to revisit this issue with consideration of legislation that would repeal this language before March 1, 2005. I join my colleagues in supporting a conscience clause but I object to the language included in this bill and the process that has brought us to this point today.

Mr. KERRY. Mr. President, I oppose the passage of the Omnibus appropriations conference report.

The bill before us was written in a process that is the legislative equivalent of painting a room in the dark. You don't know exactly how the room will look until you turn on the lights, but you can be sure that it will be a mess. And, of course, that is what has happened. This bill is a mess.

The Republican leadership has taken nine spending bills, funding 13 Government agencies with more than $388 billion, and combined them into a single bill that is more than 3,000 pages long. On top of all that spending, they have included several riders that make unrelated changes in Federal law. Most of these bills were never debated or amended by the full Senate. Many of the provisions haven't even had a committee hearing. The only people who have had a chance to review and amend the bill are the Republican leadership and the White House, and all of that went on behind closed doors. And the public, the press and almost every Member of Congress has had no real opportunity to review them before we vote and send them to the President to become law.

So it comes as no surprise that this massive spending bill, created by a terribly flawed process, is itself terribly flawed.

The Republican majority and the Bush administration have provided inadequate investments in education, housing, small business and a number of other important domestic priorities.

The Community Oriented Policing Systems program, called the COPS program, has been eviscerated, and funding for the Local Law Enforcement Block Grant program has been cut. Both of these programs help our cities and towns fight crime and protect our citizens but putting well-trained and well-equipped cops on the street. And both programs had played an increasingly important role in homeland security.

The bill does not keep our promise to care for our veterans. The funding level included in the conference report for veteran's healthcare, while above last year's level, is insufficient to meet the needs of our veterans. Today, 500,000 veterans are prevented from receiving health care through the Veterans Administration. New veterans are fighting to obtain the services they have earned. Thousands more are waiting for disability ratings. The Congress had an opportunity to make a real difference in the lives of those who have given so much for this country, and the Congress failed.

The bill harms small businesses by failing to provide access to the capital they need for investment and growth. As the ranking member of the Senate Committee on Small Business and Entrepreneurship, I know how critical small business loans are to expanding economic opportunity, especially in low-income neighborhoods. Unfortunately, the bill eliminates all funding

and increases fees for the program at the Small Business Administration that is the largest source of small business loans in the Nation.

I will not try to list all the worthwhile programs that have been cut or eliminated, because the list is just too long. The point is simple: dozens of Federal investments that help our cities and towns, our schools, our small businesses, our police, our environment and much more have been needlessly cut. And those cuts will do needless harm to communities and families all across the country.

And along with the spending provisions of the bill, the White House and the Republican leadership have attached riders that make changes in Federal law. These are provisions that have not been considered by the House or Senate, and in many cases have not received a committee hearing or markup.

The bill includes a provision that will prevent Federal, State and local governments from requiring any institutional or individual health care provider to provide, pay for, or refer for abortion services. Ten of my female colleagues, including two Republicans, have expressed their strong opposition to that provision and affect it may have on reproductive health services. In a letter to the Appropriations Committee, they point out that the provision has never been considered and never had a hearing in the Senate. It comes down to this: whether you support or oppose this provision, and I oppose it, this is no way to do the people's work. Whatever you think of this provision, it does not belong in a 3,000 page spending bill. It deserves a hearing, a debate and vote.

Another provision that was included with no vote, hearing or discussion by the Senate would allow congressional staff access to the tax returns of individuals and businesses. There is absolutely no justification for such a provision in this bill or anywhere else. It is a shocking abuse of power by the Republicans. This provision, which would allow congressional staff to review any private citizen's tax return, is unacceptable. It tramples the rights of our citizens and grossly violates the public trust. I am pleased to hear the assurances of the majority leader that this provision will be removed from the bill. However, we need to understand how it came to be included in the conference report. Who in the Congress sponsored this provision? Who in the White House approved it, since we know the White House has blessed this bill?

Is there any good in this bill? Of course there are many worthwhile Federal programs that are funded. Like a broken clock is right twice a day, a bill spending $388 billion will get a few things right.

I am pleased that the conference report includes $62 million for the YouthBuild program, which is a highly effective comprehensive program that helps at-risk youth obtain an education and take responsibility for their lives and their communities. YouthBuild is the only national program that provides young adults an immediately productive role in the community while also providing equal measures of basic education toward a diploma, skills training toward a decent paying job, leadership development toward civic engagement, adult mentorship toward overcoming personal problems, and participation in a supportive mini-community with a positive set of values.

And there are other good programs this bill has funded adequately. I am grateful for the good that will come from this legislation, including funding for Federal projects and programs in Massachusetts.

On a whole, the bad outweighs the good in this bill, and I will vote against it.

Mr. LEVIN. Mr. President, it is difficult to vote against this omnibus appropriations bill because it provides funding for many programs that I support. In fact, it contains many provisions that I worked to have included.

However, we are confronted with this legislation containing funding for fiscal year 2005 which under normal circumstances would have been contained in nine separate appropriations bills and which should have been done prior to the beginning of this fiscal year last October 1. Once again, for the third consecutive year, and all too frequently in recent years, the Senate finds itself considering a massive appropriations bill, in this case totaling about 3,000 pages and spending nearly $400 billion, and containing important legislation which doesn't belong in an appropriations bill at all. We have had only a matter of hours to read and consider this bill.

This is a process which reflects poorly on the Congress both because it represents a failure to get the Nation's work done on time, and because of its huge size and the inclusion of matters which were not previously considered in the Senate hinders the kind of careful consideration and debate which wise decisionmaking demands. It is certain that Senators will only learn after the fact details about many provisions which have been added.

And perhaps most importantly, because these omnibus bills are delayed until the waning hours of each Congress, the White House is included in the meetings as the language is written, in order to avoid a Presidential veto. This weakens the constitutional prerogative of the legislative branch to control the Nation's purse strings and it undermines the critical oversight role which the Congress plays, in part, through its appropriations activities when they are conducted in the normal manner.

One example of the consequences of this hurried and extraordinary process is a provision in the bill late yesterday by our Republican colleagues that provides the chairman of the House or Senate Appropriations Committee or his or her staff access the tax returns and other tax return information of any corporation or individual. Further, it would exempt the chairman or staffer gaining access to these returns from any provision of law governing the disclosure of income tax returns. The House did not debate that provision. The Senate did not debate that provision. However, somehow it ended up in this bill. This is an outrage. The Senate passed a resolution earlier tonight in an effort to eventually remove this provision from law, however if this bill is adopted, this provision violating the privacy of income tax returns will become law and we will have to hope that the House of Representatives will follow through and the President will sign the resolution to remedy the situation.

For every egregious provision like the one above that we find, there could be several more that were missed.

I am also concerned about the failure of this bill to adequately fund vital education initiatives. The bill before us underfunds title I by $500 million below the President's budget request; this critical program provides aid to states and school districts to help educationally disadvantaged children achieve the same high academic performance standards as other students. The bill before us also underfunds the important Individual with Disabilities Education Act by $415 million and it underfunds the National Science Foundation at $62 million below the fiscal year 2004 funding level and $278 million below the budget request. Additionally, this legislation does not provide for an increase in the maximum Pell Grant award—the very foundation of aid for many needy students. It remains at the current level of $4,050, rather than increasing toward the authorized maximum award level of $5,800.

This bill also cuts funding for local law enforcement programs that could compromise the safety of communities around the country. Not only are our police on the beat essential for maintaining community safety, but they are the first line of defense against potential terrorist attacks. This bill cuts funding for the Community Oriented Policing Services, COPS, program by over $140 million from last year's funding level. This program provides vital funding to our first responders and I cannot support such a drastic cut in funding.

Throughout Michigan and the rest of the country, our cities are struggling to finance urgent upgrades to municipal sewer systems to prevent discharges to the environment or private property. These communities have very high water and sewer rates and cannot handle additional debt. The State Revolving Loan Fund, which has received $1.35 billion per year from Congress in the past several fiscal years, has helped to clean up polluted waters, however more money is needed to help communities such as ours in Michigan with

significant needs. This bill does the opposite; it cuts funding for the State Revolving Loan Fund which will harm our ability to clean up our waters and upgrade our aging sewer systems.

This bill deletes a provision contained in both the House and Senate Labor-HHS appropriations bills that would have prohibited enforcement of the administration's overtime regulation that went into effect in August 2004.

I am also disappointed that this bill provides less funding for the IRS than the administration requested. This legislation provides $400 million less than the President requested. This overall dollar figure reflects $166 million less than requested for tax enforcement, which is a non-sensical and irresponsible decision. Tax enforcement is an unusual area of the budget where a relatively small increase pays for itself many times over by increasing the amount of revenue collected. Just days ago the IRS announced that its fiscal year 2004 enforcement revenue of $43 billion represented a roughly four-to-one return rate on its overall budget of $10.2 billion, a return that is even greater when only enforcement funding is taken into account. And this return on investment doesn't even take into account the fact that vigorous enforcement also has a word-of-mouth effect that goes beyond the direct revenue generated. Unfortunately, this conference report does not give the IRS nearly the resources it needs to ensure this vigorous enforcement, so we will continue to leave honest taxpayers shouldering an unfair share of the burden while many tax dodgers escape scot free. When only one in five known tax cheats is even chased by the IRS, and when fewer than 1 percent of the estimated 1 to 2 million individuals dodging taxes by using offshore bank accounts have pending IRS enforcement actions, there is obviously a lot more the IRS could be doing to improve enforcement.

Mr. President, while this bill funds many programs that I support, on balance I cannot support this legislation. For the reasons I have mentioned, and others, I will vote against this Omnibus bill.

Mr. CONRAD. Mr. President, I will vote against the omnibus appropriations conference report. The bill before the Senate contains 9 appropriations bills, 7 of which were never debated, amended, or voted upon by the Senate. The bill spends $388 billion, and, together with its explanatory language, it is 3,646 pages long.

Throughout the day today, I and several members of my staff have been reading and analyzing the provisions of this bill. During the examination, we discovered a particularly egregious provision. It would have allowed an agent of the chairman of the House or Senate Appropriations Committee to look at the tax return of anyone in America. And, further, it would have allowed them to release the private information contained in those returns without any civil or criminal penalty. That would have created the opportunity for an abuse of power almost unprecedented in our history.

Thankfully, my staff and I were able to catch this, and after strenuous debate, the provision will be nullified. But this is an indication of how completely flawed this process has become. None of us can know what other inappropriate provisions are in this bill. There simply has not been enough time to thoroughly scour the more than 3,600 pages in this bill.

There are a number of provisions in this bill that are good for North Dakota that I worked hard to have included, but it is clear to me this appropriations process is broken. Former President Ronald Reagan in his 1988 State of the Union Address told us we should not do business this way. He was right.

For that reason, I am obligated to oppose this conference report.

Ms. MIKULSKI. Mr. President, this is the toughest VA/HUD bill we have ever faced.

In putting this bill together, we were told by the Republican leadership that we had to do two things. First, we had to fund veterans medical care $1.2 billion above the President's budget request. Second, we had to fund NASA at the President's budget request of $16.2 billion. In addition, we had to provide enough money to renew Section 8 housing vouchers. Even though this was not a priority for the President, it was a priority for us.

I agree with these priorities. I have fought for these priorities. But in order to fund these priorities, we had to cut $3 billion from other programs. This is a shell game.

The Republican leadership gave us an allocation for conference that is $3 billion less than we had for our Senate bill. With the exception of VA medical care, Section 8 and NASA, we had to cut all other programs an average of 4 percent below last year.

For the first time in history, we had to cut essential programs to pay for these priorities. These are real cuts to programs that help people and communities. This is the illusion of being compassionate. We were forced to do this because of the budget caps that we are forced to live under by the Republican leadership.

These spending caps put a stranglehold on essential programs. The Republican leadership created this situation and unfortunately, the American people will pay the price.

Our No. 1 priority has always been our veterans. Senator BOND and I will always make veterans the number one priority in this bill. We have increased veterans medical care by $1.5 billion over last year, and $1.2 billion more than the President requested in his budget. We eliminated the President's proposal to increase deductibles and co-pays for veterans. It is wrong to ask veterans to pay more for their medical care, especially when we are fighting a war. We created a new prosthetics and holistic care program to find new ways to treat and care for veterans, especially for our veterans returning from Iraq and Afghanistan.

For this reason alone, we had to produce a bill, even under these circumstances. If we didn't produce a bill this year, we would not have enough money to care for our veterans, particularly our veterans returning from Iraq and Afghanistan.

We have increased funding for NASA to help fund the repairs to the Space Shuttle so we can return to flight next year and fix the Hubble Space Telescope.

Returning the Shuttle safely to flight is our top NASA priority. We are fully committed to implementing the recommendations of the Gehman Commission, and we have given NASA sufficient funding to accomplish this goal. We have provided the full budget request, $4.3 billion, to fund the Space Shuttle and we have provided NASA with unprecedented flexibility to add more funds for the Space Shuttle, if they need it.

We added $300 million to NASA's budget to fund a servicing mission to the Hubble Space Telescope, the most successful scientific instrument since Galileo's telescope. I have fought to save Hubble and I am proud that my colleagues have joined me in this fight by providing an additional $300 million to fund a servicing mission in 2007.

We also made a down payment on the President's Exploration Initiative so we can begin a new era in space exploration and we protected NASA's critical science programs such as Living With A Star and Earth science applications to help us better understand the Earth's environment.

For National Service, the overall budget was cut by over $3 million compared to last year but we were able to fund AmeriCorps at a level that supports 70,000 new volunteers, despite the cut in funding. This will allow us to maintain the momentum we started last year.

However, these increases come at a price. To provide these needed increases for veterans and NASA, we had to cut essential programs, ''including housing programs. Senator BOND and I have a responsibility to fund the renewals of Section 8 vouchers. We added funding for Section 8 renewals, but we had to cut other programs to pay for it.

We were forced to cut housing for the elderly by $26 million. Housing for the disabled is cut by $10 million. The Community Development Block Grant Program, one of our most popular programs in this bill, and one of the most important programs for State and local governments, is cut by $200 million compared to last year. We should not have to be forced to shift funding from one essential program to another.

For EPA, we were forced to make cuts because of the budget cuts imposed on us by the Republican leadership. The clean water State revolving

fund was cut by $250 million compared to last year. That means every State will get less money for sewer construction.

EPA's successful science and technology programs—the programs looking at innovative and cost effective solutions for environmental protection—are cut by $40 million compared to last year. Overall, EPA is cut by over $300 million compared to last year.

Thanks to the Republican budget cuts, we are shifting the burden of environmental protection to State and local governments. I am opposed to this and fought it every step of the way.

For NSF, Senator BOND and I have fought to incease funding for science and technology by fighting to double NSF's budget over 5 years. Yet, the budget cuts imposed on us forced us to cut $60 million from NSF's budget compared to last year.

Fortunately, we were able to increase funding for our historically black colleges and universities and maintain graduate stipends at $30,000 per year—two of my top priorities.

But we will not be able to maintain our leadership in science and technology if we are forced to cut NSF funding. We will not be able to produce the new technologies that lead to the new jobs if we have to cut basic research funding. This is not a sound policy.

Senator BOND and I have done the best we could do under the circumstances. We had no choice but to produce a bill. A CR would have been worse for our veterans and we could not let that happen. We have soldiers returning from Iraq and Afghanistan. Without an increase in VA medical care, we would not be able to care for them once they return and enter the VA system.

Senator BOND and I would never let that happen, but it is wrong to have to cut other important programs to pay for it. I hope that we will not face this situation next year.

Mr. BUNNING. Mr. President, today I voted to approve the Conference Report to Accompany H.R. 4818, the Consolidated Appropriations Act of Fiscal Year 2005. As many of my colleagues in both the Senate and the House of Representatives have discussed at length today, this bill contains a provision, Section 222, which could be interpreted in a way as to cause concern regarding the protection of the privacy of I.R.S. data of U.S. taxpayers. As a Member of the Senate, and particularly as a member of the Senate Finance Committee, I take the American taxpayers' rights to privacy regarding their personal income tax information very seriously. I supported a joint resolution, passed earlier today by the Senate, which calls for the removal of this provision from this conference report. In addition, I understand that the chairmen of the House Appropriations, Senate Appropriations, House Ways and Means and Senate Finance Committees have made clear their intentions to insure that this provision is deleted or otherwise removed at the earliest possible opportunity. I also understand that the President of the United States is expected to issue a statement indicating that this provision of the conference report shall be disregarded. It is with reliance upon these commitments, and with my intentions to follow this issue closely to insure that this situation is corrected at the earliest possible opportunity, that I cast my vote in support of this conference report today.

Mr. GRASSLEY. Mr. President, today the House and Senate are considering whether to approve the conference report to H.R. 4818. H.R. 4818 is what is commonly called in the Congress an omnibus appropriations bill. Basically, an omnibus bill rolls a number of other bills into a single legislative vehicle for an up-or-down vote on the final package. It is a method frequently used by the Appropriations Committee at the end of the legislative session after the committee has failed to complete its work in regular order. It enables the Appropriations Committee to appropriate funds at the end of the year. Without this appropriation, the Government would shut down. So, it is must pass legislation.

Work on this bill was completed last night around midnight. Since that time, my Finance Committee staff has been scouring the package to determine whether there are any provisions within the jurisdiction of the Finance Committee in the bill. Unfortunately, the Appropriations Committee often includes authorizing language on matters within the jurisdiction of my committee, but fails to notify us. The result is usually poorly drafted and short-sighted provisions, many of which have unintended effects. Unfortunately, this year is no different.

Let's just take one area—international trade. A few years ago, the Appropriations Committee included an amendment which required that monies collected as countervailing duties and antidumping duties be distributed to the petitioners who filed the underlying cases. Many of our trading partners thought this provision violated our international obligations because it enables petitioning industries to not only have duties placed against competing imports, but to also receive these duties. The World Trade Organization agreed and found the amendment to be contrary to our trade obligations. Nevertheless, the law is still on the books. As a result, many of our export industries may face retaliatory sanctions.

As I said, this amendment was slipped into an appropriations conference report without full debate in the Senate. The Finance Committee, as the committee of jurisdiction and the committee with expertise in international trade, never had a chance to review the amendment. Now, I'm not surprised that a bill that was never considered by the committee of expertise or even the full Senate was found to violate our international commitments.

But, even aside from the WTO ruling, there are a number of other problems with the way the amendment operates. For example, earlier this year the Congressional Budget Office issued a report in which it found that, regardless of the economic harm which can be caused by retaliation, the amendment is detrimental to the overall economic welfare of the United States. An earlier report issued by the Department of Treasury Inspector General found that the Bureau of Customs and Border Protection made $25 million in overpayments when disbursing funds. The report also faulted the Bureau of Customs and Border Protection because qualifying expenditures claimed by domestic producers are not verified on a routine basis. So, there are a lot of problems with the way this program functions that are totally independent from our WTO obligations.

But because the Finance Committee never had an opportunity to review the amendment, these problems were never addressed. Instead of working with the Committee to address these problems, they took a different tack. In this year's omnibus appropriations bill they decided to require our United States Trade Representative and the Department of Commerce to negotiate the right for WTO members to distribute monies collected from antidumping and countervailing duty measures. In short, they are directing our trade negotiators to go back to the negotiating table and try to negotiate for something which we have already lost. I doubt our trading partners will be sympathetic.

The Appropriations Committee also required the Office of the United States Trade Representative to create a new position of Chief Negotiator for Intellectual Property Rights Enforcement. Now, this may be good idea—but, again the Finance Committee has not had an opportunity to review this provision so we do not know if this is an appropriate use of government resources or not. We do know that the decision about whether to create new trade negotiating positions is up to the Finance Committee, not the Appropriations Committee.

Unfortunately Mr. President, these provisions are just exemplary. There are many other provisions in the bill dealing with international trade that, frankly, should not be in there. Whatever position you may take on the merits of these provisions, international trade negotiations and antidumping and countervailing duty laws are plainly matters within the jurisdiction of the Committee on Finance. The vast trade implications of these provisions were not carefully weighed by the Committee on Finance. This is bad precedent—and I sincerely hope we will not see similar actions in the future.

Mr. KOHL. Mr. President, I rise today to oppose the Omnibus appropriations bill. I think the American

people would be appalled by the process under which the Senate is considering this bill. Provisions have been added that have never been debated, never had a hearing, and never had a vote in the Senate. It is thousands of pages long, and yet the Senate has had only a few hours to read the bill. We are just beginning to learn about all of the provisions that have been added.

Already, we have learned about an outrageous provision that would allow for a complete reversal of longstanding privacy protections. The bill contains a provision that allows Appropriations Committee chairman, or their designees, to review the tax returns of any American citizen. Any individual, any corporation could have their very private information poured over by any number of people. Not only would the private, sensitive tax information be available to the Chairmen and their staffs—they would be able to distribute that information without incurring any penalties. This egregious ''oversight'' is inexcusable. That a provision with this impact, on both privacy rules and on powers of the Senate, would be slipped in at the midnight hour with no oversight, is an offense to every Member of the Senate and most importantly, to the American people.

While I am relieved that promises have been made to remove this egregious provision, this is just an example of the danger that comes with rushing a bill like this through the Senate. This is simply indefensible. The American people deserve a more serious effort, and I cannot support a bill that has been rushed through in this manner.

I am also troubled by much of what we already know about this bill. This bill demonstrates that the budget deficit our Nation is facing today is causing real cuts in important programs and real pain for working families. These tight budget numbers are the consequence of a fiscal policy that puts reckless and expensive tax cuts for the wealthiest in our country above all other priorities. That policy has left us with huge deficits and the inability to fully fund some of our Nation's most pressing needs—needs like education, health care, law enforcement and housing. Clearly, we need to take another look at our Nation's fiscal policy and finally put together a budget plan that meet the needs of American families.

The Omnibus appropriations bill before us simply falls short on too many of our priorities. I recognize that it includes a $500 million increase for the title I education program for disadvantaged students and a $607 million increase for special education. I am grateful that increases were provided during these difficult times but let's not forget that even with these increases, funding for No Child Left Behind is still far below the levels authorized when the law passed. We are still not coming anywhere close to our commitment to fund 40 percent of the costs of special education. And once again, the maximum Pell Grant award has been frozen leaving more students with higher student loan debts or shut out of higher education altogether. These are just a few examples. I believe we should be able to do better when it comes to our Nation's students and schools.

In addition, I am very disappointed with the practical elimination of the COPS Universal Hiring program. The Omnibus appropriations bill allocates a paltry $10 million for this nationwide program—a program that has added tens of thousands of police officers to police departments across the country. Not surprisingly, the COPS program has been overwhelmingly popular among our local police departments in Wisconsin and beyond. Moreover, crime has been steadily decreasing in the past decade thanks in part to the COPS program. A mere $10 million is not enough for a program that received more than $300 million just a few years ago. Quite simply, this appropriations bill demonstrates an insensitivity to the needs of our police officers who are also the first line of defense in the war on terror.

This Omnibus bill also contains inadequate support for energy saving research. One of the programs that I was disappointed did not receive sufficient funding in this bill was the Department of Energy's Industrial Technologies program. This program is an important effort to invest in our manufacturing base by increasing energy efficiency. This program invests in research to improve industrial energy efficiency and environmental performance in eight basic, energy intensive industries named by DoE as Industries of the Future: aluminum, chemicals, forest products, glass, metal casting, mining, petroleum and steel.

An example of such a program in Wisconsin that is applicable to all eight DOE Industries of the Future in Wisconsin is the project ''Wireless Sensor Network for Advanced Energy Management Solutions'' which applies advanced communications and sensors technology to industrial motors. The projected benefits from this program in 2020 include energy savings of 279 trillion Btus, $1.3 billion and 116 million pounds of pollutant reduction.

It is my hope that DOE reconsider this very important technology development and that the Interior Appropriations subcommittee focus next year on this program because of the impact it will have on our manufacturing capabilities in the United States.

I am also very concerned about the across-the-board cut that is included in this bill. The bill includes a cut of 0.83 percent that will apply to every program. That means the increases some programs received will be scaled back, and those programs that received flat funding will actually get a cut from last year's levels after the across-the-board reduction goes into effect.

I am particularly disappointed that this bill fails to address one critical area that is very important to me regarding dairy. As I have stated many times before on the floor of the Senate, dairy is an extremely important part of the economy of the Upper Midwest. For Wisconsin alone, employment associated with dairy farming, processing and related activities is estimated to be about 160,000, generating roughly $5 billion in income annually.

During the 2002 farm bill, a new dairy program was created, called the Milk Income Loss Contract, MILC, program, to provide countercyclical assistance to all dairy farmers in the nation, whenever market prices for milk fall below certain trigger levels. The program provides assistance in the form of direct payments to producers, up to the first 2.4 million pounds of production annually, when market prices are low. While the MILC program uses the market as a reference price to trigger assistance, it does not directly intervene into the market.

In 2002 and the first half of 2003, dairy prices reached 25-year lows. During that time, the MILC program provided dairy producers with much needed assistance. Wisconsin dairy producers have received $413 million in assistance under the program to date.

Without a doubt, dairy producers prefer to receive their income from the marketplace. Fortunately, milk prices have recovered over the last year, and as a result, the MILC program is now dormant. However, the safety net provided by the MILC program has been extremely helpful, particularly during times of low market prices. Unfortunately, the MILC program is scheduled to expire in September of 2005, 2 years earlier than the rest of the farm bill commodity programs.

Recognizing this problem, a bipartisan, multiregional coalition of Senators sought to remedy the situation during this year's appropriations process by extending the MILC program for 2 more years. Such an extension would put the MILC program on equal footing with other farm bill commodity programs.

On October 7, the President of the United States personally entered the debate on MILC extension. He traveled to Wisconsin to voice his support for the MILC program and before a group of Wisconsin dairy families stated:

> I know that the Milk Income Lost Contract Program is important to the dairy farmers here in Wisconsin. The milk program is set to expire next fall. I look forward to working with Congress to reauthorize the program so Wisconsin dairy farmers and dairy farmers all across this country can count on the support they need.

Our effort to extend the MILC program was also endorsed by a bipartisan, multiregional group of Governors. I ask unanimous consent that the Governors' letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Nov. 12, 2004.

Hon. TED STEVENS,
Chair, Senate Appropriations Committee,
Hart Senate Office Building, Washington, DC.
Hon. ROBERT BYRD,
Ranking Member, Senate Appropriations Committee,
Hart Senate Office Building, Washington, DC.
Hon. BILL YOUNG,
Chair, House Appropriations Committee,
Rayburn House Office Building, Washington, DC.
Hon. DAVID OBEY,
Ranking Member, House Appropriations Committee,
Rayburn House Office Building, Washington, DC.

DEAR SENATORS STEVENS AND BYRD; REPRESENTATIVES YOUNG AND OBEY: We are writing today to urge you to support a two-year extension of the Milk Income Loss Contract (MILC) program, as was recently passed by the Senate Appropriations Committee by a vote of 18 to five.

The MILC program, created by the 2002 farm bill, has been extremely helpful to dairy producers nationwide, by providing financial assistance when milk prices fall below certain target prices. The program has helped to stem the tide of dairy farm loss in our states, especially when milk prices fell to historic lows in 2002 and the first half of 2003.

Without question, dairy producers in our states prefer to receive their income from the market. As designed, the MILC program is dormant when market prices are strong, as they have been during most of 2004. When milk prices fall, however, the MILC program provides an effective safety net for the dairy-dependent communities in our states.

Unfortunately, the MILC program is scheduled to expire on September 30, 2005, two years earlier than the other farm bill programs, The bipartisan Senate provision would extend the MILC program by two years, to bring it in line with the timing of the rest of the farm bill, assuring a continued safety net for dairy farmers nationwide in the event of future price declines.

We therefore strongly urge you to support the inclusion of the Senate MILC extension provision on one of the remaining Fiscal Year 2005 appropriations conference reports scheduled for enactment this year.

Sincerely.

Governor Jim Doyle, Wisconsin.
Governor Mark R. Warner, Virginia.
Governor Bob Holden, Missouri.
Governor Edward Rendell, Pennsylvania.
Governor John Baldacci, Maine.
Governor Jennifer Granholm, Michigan.
Governor Mike Rounds, South Dakota.
Governor Kathleen Babineaux Blanco, Louisiana.
Governor Tim Pawlenty, Minnesota.
Governor James H. Douglas, Vermont.
Govemor Michael Easley, North Carolina.
Governor Dirk Kempthorne, Idaho.
Governor Tom Vilsack, Iowa.
Governor George E. Pataki, New York.
Governor Bob Taft, Ohio.
Governor John Hoeven, North Dakota.

Mr. KOHL. Our MILC extension was adopted twice by Senate conferees on appropriations measures, and each time it was shot down by House negotiators. Notwithstanding assurances of executive support and gubernatorial support, House Republican negotiators thwarted our efforts to include MILC extension in the various appropriations measures. I am extremely disappointed they did so.

One can reasonably assume, given the President's assurances in Wausau, WI, that MILC extension will be a part of his budget submission next year. While that is welcome, I caution my fellow MILC supporters and dairy farmers all across the nation to take that eventual development with a grain of salt.

Budget resolutions themselves are not enacted into law. They form a blueprint for subsequent Congressional action. Putting MILC in the President's budget, by itself, won't get the job done. It will take concerted and cooperative effort on both sides of the capitol to extend the MILC program.

Despite the serious problems I have noted above, it is worth mentioning several positive things in this bill that are of importance to my State, and I want to thank the chairman and ranking member, Senators STEVENS and BYRD, for working to accommodate my priorities.

First, I am pleased that juvenile justice programs fared much better than the President's original budget request. In that proposal, juvenile justice programs—which fund afterschool and other juvenile crime prevention programs, intervention initiatives that work to redirect troubled teens, youth mentoring programs, substance abuse prevention and education projects, and programs that help keep kids out of gangs—received just under $200 million. Through our work with Senators GREGG and HOLLINGS throughout the year, we have been able to increase that number to $384 million in this appropriations bill and I thank my colleagues for their support and cooperation. Though encouraging, we must remember that juvenile justice programs and our children deserve more funding than that. Just three years ago, these programs received roughly $550 million. Dollars spent on juvenile crime prevention is a wise investment. We can and must do better.

I am also grateful for the efforts of Senators SPECTER and HARKIN in working so hard to accomodate my State's needs for additional funding for Hmong refugees. The U.S. Government announced in December, 2003, that 15,000 Hmong refugees living in Thailand would be resettled in our country, primarily in Wisconsin, Minnesota and California. The resources provided in this bill will provide job training, health care, education and other support services and help our communities assist them with their basic needs. I know it was very difficult to find scarce resources in this tight budget, and I greatly appreciate the hard work of Senator SPECTER and Senator HARKIN to meet this need.

The bill before us also makes progress in meeting the need to provide assistance for low-income people trying to pay their rising heating bills. Funding for LIHEAP has been seriously underfunded coming into the heating season. As the prices of heating oil and natural gas continue to go up, an economic disaster was around the corner for many working families. While this bill did not provide the entire $600 million in emergency funds that many of my colleagues and I thought was necessary, it did provide $300 million. This additional funding raises to $2.2 billion the amount of regular and emergency funding available to help families meet there energy needs. In my state of Wisconsin, this account is crucial to helping the disadvantaged make it through the long winter.

In addition, one of my top priorities this year has been to restore full funding for the Commerce Department's Manufacturing Extension Partnership program, so I am especially pleased that we have been able to provide a total of $109 million for this vital program, a dramatic increase above the fiscal year 2004 funding of $39 million and a $3 million increase above funding in fiscal year 2003. Wisconsin is one of the most manufacturing-dependent States in the Nation, second only to Indiana, and this budget will be able to support the Wisconsin Manufacturing Extension Partnership program and the Northwest Wisconsin Manufacturing Outreach Center, the two MEP centers in my State. MEP provides critical assistance to small- and medium-sized manufacturers throughout the Nation. It is one of the only Federal programs which exists to help manufacturers maintain their technological edge and thus, retain jobs. Unfortunately, the fiscal year 2004 budget and the administration's fiscal year 2005 budget request included deep cuts to the program leading to the firing of staff and the closing of local offices around the country. While we were able to get the Commerce Department to reprogram some funding at the end of fiscal year 2004 to stave off further cuts, it was essential that we put this program back on track for fiscal year 2005.

In addition, I am pleased we have added bipartisan legislation to the Omnibus that will extend the benefits of the Satellite Home Viewer Improvement Act for another five years. We needed to act quickly to extend some sections of the satellite law we passed in 1999 because they were set to expire this year. To be sure, compromises were made to achieve this goal. But, we feel a deal was struck that is fair to all parties—consumers, satellite companies, and broadcasters alike.

Let me discuss how this bill will further spur competition between cable and satellite, which in turn will benefit consumers. Our bill will allow satellite companies to retransmit ''significantly viewed'' stations into local markets on a royalty-free basis. Cable companies have enjoyed this privilege for years, and it is time to extend this right to the satellite industry. By doing so, satellite companies will be able to craft a local channel line-up more similar to what cable currently offers.

Furthermore, through working with my colleagues, particularly Senator HATCH, we were able to assist low power TV stations, like Channel 41 in

Milwaukee, carry valuable local programming and sports broadcasts that other stations do not carry. Satellite television consumers in southeastern Wisconsin and around the country will benefit from more local programs and more choices. It represents a tremendous win for consumers and local sports fans. Simply, we extended a statutory license to low power TV stations in the same way those stations receive that privilege in the cable world. This is an important pro-consumer measure that we are able to successfully include in the Omnibus.

Finally, this bill includes funding for many important programs that will improve the lives of people in Wisconsin. Projects that provide job training, health care and dental care to uninsured families, afterschool programs, mental health services, caregiver training, transportation, crime prevention and economic development—all of these programs will have a real benefit for families and communities in my State. I am grateful for the hard work of the committee in accomodating these Wisconsin priorities.

As ranking member of the Agriculture Subcommittee, I would also like to make a few remarks about what is included in Division A of the bill, providing fiscal year 2005 appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

First of all, I want to congratulate Senator BENNETT who has now completed his second year as chairman of the Agriculture Subcommittee. In the period he has served as our chairman, his grasp of the policies, programs, and problems related to this subcommittee's jurisdiction has been outstanding. It has been a great pleasure for me to work with him, and I look forward to our continuing partnership next year.

Again this year the resources available to the Agriculture Subcommittee have witnessed a decrease from the previous year. Yet in spite of those constraints, Chairman BENNETT was able to provide some important increases to benefit American consumers and those who live and work in our rural areas. This conference report includes more than $5 billion for the WIC program. This amount is significantly higher than the fiscal year 2004 level or that of either the House or Senate bills. This appropriation will help meet caseload requirements for the coming year in spite of higher than expected food costs and participation rates.

This conference report includes new funding for a number of plant and animal disease problems including research for soybean rust, mad cow disease, avian influenza and a number of other emerging issues. More than $33 million is provided to establish a national animal identification program, as is funding related to conservation, rural development, food and drug safety, and more.

However, I must mention concerns I have with this conference report. I am concerned about reductions in the rural water and wastewater programs. Further, although the Public Law 480 title II program is funded at near the Senate level, worsening conditions around the world and the administration's reluctance to use the Emerson Humanitarian Trust, worries me that international food assistance may fall short and our contributions to humanitarian relief around the world may go wanting.

I also feel it is important to mention a growing, and unfortunate, practice on which this subcommittee has had to rely again this year. In order to achieve the funding levels for discretionary programs that we have in this conference report, serious reductions or rescissions in other programs had to be realized. This is not a wholly new occurrence. For many years, this subcommittee has effected limitations on a number of mandatory programs, notably those funded through various farm bills, in order to meet discretionary targets. However, due to a strangling of resources provided to this subcommittee in discretionary allocations, reductions in mandatory programs are becoming more and more severe.

My grave fear is if discretionary constraints continue at the rate we have seen the past couple of years, we will hit the limit on savings we can achieve and there will be nothing left to rescind. If and when that happens, the demands for carrying out farm programs, protecting American consumers, ensuring food and drug safety, keeping our environment clean, providing basic services for rural families, and meeting new challenges such as mad cow disease, soybean rust and all the rest will not diminish and we will simply not be able to provide what is necessary. On that day, we, and all of America, will be standing in the middle of a very tragic train wreck and we will all be asking each other how and why we let this happen. I hope that before that day comes, we will be able once again to have the resources necessary to meet the demands we were given the trust to overcome.

Having said that, I do want to praise the work of Chairman BENNETT. With the limitations I have just outlined, he has crafted a very balanced bill that will serve America well. He has done an outstanding job with limited resources and we should all be very proud of him for that.

I also want to recognize the majority staff who has worked so well with mine on putting this conference report together. I would like to mention Fitzhugh Elder, Hunter Moorhead, and Dianne Preece. I especially want to recognize the majority clerk, Pat Raymond, for her outstanding service, not just to his subcommittee, but to the Senate overall. I want to note that Pat will be leaving the Senate after the first of the year and we will all miss her and wish her well.

I would also like to recognize Galen Fountain, Jessica Arden, Bill Simpson, Tom Gonzales and Meagan McCarthy of the minority staff and Phil Karsting of my personal staff for all their hard work on this bill.

While I am pleased that the Omnibus appropriations bill includes many of my priorities, on balance, I cannot support it. First, this bill shortchanges too many of our nation's most important priorities. This Nation's fiscal policy throughout the last several years has led to large and irresponsible deficits, and as a result, we are facing an appropriations bill that is unable to meet some of the most pressing needs of our families and communities.

Finally, I cannot support this bill because the process by which it was put together and rushed through the Senate has been unacceptable. It is three thousand pages long and we have had only a matter of hours to review it. We have already learned about an egregious provision that would infringe on the privacy of Americans' tax returns, and as we have more time to review the bill, it is likely we will find more troubling provisions. I hope that this unfortunate process will not be repeated in the future. People in Wisconsin and across the Nation expect a more serious effort from the Senate. I urge my colleagues to oppose the conference report.

Mr. DODD. Mr. President, I regrettably voted against the adoption, of the conference report tonight. I say ''regrettably'' because I appreciate the efforts of Senator STEVENS, BYRD, and others to fashion sound legislation for the country, including the State of Connecticut. I am grateful to them. I applaud their efforts. However, I felt compelled to oppose this legislation because of the troubling way this bill was brought before this body and because of certain provisions about which I held deep concerns.

A few hours before the vote tonight, we were handed a piece of legislation 3,200 pages in length that combined nine appropriations bills worth over $380 billion. It is important to note that these appropriations bills did not follow the normal legislative process. Instead of being considered and voted on separately by the Senate and House and reconciled in a conference committee, they were combined into an existing conference report and sent to both the House and Senate with limited time for debate and no chance of amending. Furthermore, this omnibus bill was largely written under a shroud of secrecy—a shroud so thick that it became apparent this afternoon that not even the Senate leadership or Senate Appropriations Committee chairman knew fully what was contained in this legislation.

Thanks to our colleague Kent Conrad and his staff this afternoon, we learned of an extraordinary tax provision buried in the middle of this 3-foot thick bill—a provision apparently unbeknownst to the majority that launches an unprecedented assault on the personal privacy. This provision allows

certain Members of Congress or their designees—designees that could include anybody from staff members to private contractors—to request the tax returns of any United States citizen without having to give any reason for requesting the returns and without having any limitations on how to use those returns. Simply put, it is an unprecedented abuse of congressional power and a frontal assault on our civil liberties.

I am told that the fact remains that this legislation contains a provision that strikes at the heart of our nation's civil liberties. Moreover, that this provision will be repealed by the House and Senate before becoming law. While I am comforted by this move, I remain deeply troubled that other damaging provisions such as the one above might remain in this bill.

A second issue over which I hold deep concerns is that this conference report essentially allows health care providers to ''gag'' medical professionals and deny women from obtaining medically necessary information and services concerning reproductive health. This so-called Federal refusal clause would exempt health care providers from any existing federal, state, or municipal law that ensures that women have legal access to abortion services and reproductive health information. It would also bar states and municipalities from enforcing their own access laws without jeopardizing all of their federal funding for health and educational initiatives. While supporters of this provision claim that it solely serves as a ''conscience clause'' that protects the religious beliefs of certain health care providers, it is clear to me that this provision is yet another veiled attempt to undermine a woman's constitutional right to choose.

I am encouraged that Senator BOXER has reached an agreement with the Senate leadership to introduce and consider a bill next year that will strip this provision. As legislators, I believe that we should not work to uphold the rights and freedoms proscribed by the Constitution. We should not work to stifle or remove them. Therefore, I urge my colleagues to support the constitutional rights of women as enshrined by Roe v. Wade. I urge them to support initiatives that properly and effectively make a woman's life and well-being a top priority.

Furthermore, I am concerned that this conference report fails to contain several important measures that were previously approved by the House and Senate. One such measure prevents the Labor Department to, in effect, deny overtime pay to as many as 8 million workers across our country. While both the House and the Senate opposed this policy by bipartisan majorities, that opposition was ignored by Republican conferees. Many workers who now qualify for overtime pay would find their jobs reclassified as a managerial or professional position, thus making them ineligible for overtime pay if they work in excess of 40 hours.

This change is significant because overtime pay can provide as much as 25 percent of a worker's annual income. Instead of working toward creating new jobs and helping working families and individuals, the legislation creates yet another obstacle for millions of Americans to provide for themselves and their families.

Second, this conference report fails to stop the outsourcing of American jobs. The conference report that was before us tonight fails to reverse a Bush administration policy of allowing government functions to be outsourced to other countries—thereby causing thousands of job losses at home.

Finally, the conference report wholly underfunds important domestic initiatives such as education and health. It shows once again the current Administration's failure in guaranteeing the well-being of all Americans.

I regretted voting against this bill tonight because it does provide several million dollars for important initiatives in my home state of Connecticut and across the Nation. However, in my view, it carries too many negative provisions for me to support. I will continue to work with my colleagues in rectifying the bill's shortcomings in the coming months and new session of Congress.

Mr. STEVENS. I ask for passage of the bill, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back and all time has been used.

Mrs. BOXER. 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.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. BOXER. Mr. President, I am strongly opposed to a provision included in this omnibus bill that has never been debated or considered by the Senate. It denies millions of women basic information about their constitutional rights and endangers women who are in desperate situations in pregnancies caused by rape or incest or pregnancies that threaten their health or their life. Again, this provision has never been considered or debated by the Senate, yet it is included in this appropriations bill.

Given the rules of the Senate, there is no way I can strike this provision of the bill at this point. I could delay the passage of the bill, but I cannot strike this outrageous provision.

When the Senate returns to session in January, I will be introducing legislation to repeal this so-called Weldon provision. I feel strongly the Senate must debate, consider, and vote on this issue. It is too important to millions of American women to be slipped into an Omnibus appropriations bill. Therefore, I ask the majority and soon-to-be minority leaders to commit to bring before the Senate by April 30, 2005, my bill to repeal the so-called Weldon amendment, with a minimum of 4 hours of debate and an up-or-down vote on my bill without amendment. I ask the majority leader if he will comment on this?

Mr. FRIST. Mr. President, I thank Senator BOXER for allowing us to move toward completion of the Omnibus appropriations bill today. I commit to her that no later than April 30, 2005, the Senate will consider her bill to repeal the so-called Weldon amendment regarding abortion conscience clauses that is included in the Omnibus appropriations bill. When we consider that bill, we will have no less than 4 hours of debate equally divided on the bill, with Senator BOXER controlling half the time. There will be no amendment or other motions in order to the bill, and at the conclusion or yielding back of time the Senate will conduct an up-or-down vote on the Boxer bill.

I further commit to the Senator from California that this debate and vote will not occur on a Monday or a Friday and that it will not occur during the evening or a late night session.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I thank the majority leader for making this agreement and allowing the Senate to complete its work this year. I commit to the Senator from California that I will ensure the agreement that is reached today will be upheld.

Mrs. BOXER. I thank the two leaders and I urge the vote.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent. The Senator from Colorado (Mr. CAMPBELL), the Senator from New Hampshire (Mr. GREGG), and the Senator from Indiana, (Mr. LUGAR).

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from South Carolina (Mr. HOLLINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''no.''

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

The result was announced—yeas 65, nays 30, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—65

Alexander	Bingaman	Burns
Allard	Bond	Cantwell
Allen	Breaux	Chafee
Baucus	Brownback	Chambliss
Bennett	Bunning	Clinton

Cochran	Grassley	Pryor
Coleman	Harkin	Reid
Collins	Hatch	Roberts
Cornyn	Hutchison	Santorum
Craig	Inouye	Schumer
Crapo	Johnson	Shelby
Daschle	Landrieu	Smith
Dayton	Lieberman	Snowe
DeWine	Lincoln	Specter
Dole	Lott	Stevens
Domenici	McConnell	Sununu
Dorgan	Mikulski	Talent
Enzi	Miller	Thomas
Feinstein	Murkowski	Voinovich
Fitzgerald	Murray	Warner
Frist	Nelson (FL)	Wyden
Graham (SC)	Nickles	

NAYS—30

Akaka	Ensign	Lautenberg
Bayh	Feingold	Leahy
Boxer	Graham (FL)	Levin
Byrd	Hagel	McCain
Carper	Inhofe	Nelson (NE)
Conrad	Jeffords	Reed
Corzine	Kennedy	Rockefeller
Dodd	Kerry	Sarbanes
Durbin	Kohl	Sessions
Edwards	Kyl	Stabenow

NOT VOTING—5

Biden	Gregg	Lugar
Campbell	Hollings	

The conference report was agreed to.

Mr. LEAHY. Mr. President, I rise today to applaud the fact that the Satellite Home Viewer Extension and Reauthorization Act of 2004 has been included in the Omnibus Appropriations conference report. The House is likely to pass the conference report later today. The fate of the conference report is less certain here in the Senate, and I still have not made up my mind how I will vote as I am still reviewing the text of the bill. I am pleased, however, that the Satellite Home Viewer Extension and Reauthorization Act of 2004 has been included. This new law marks important progress for rural Americans by providing greater access to more television options or these consumers, making more local TV channels available to them, encouraging more digital TV offerings, and providing head-to-head competition with cable TV.

I was pleased to sponsor the original Senate bill with Chairman HATCH, and Senators DEWINE and KOHL, which was introduced on January 21, 2004. At our Judiciary Committee hearing on the bill we heard from the President and CEO of Vermont Public Television, John King, who testified about the benefits of local-into-local television to Vermonters and the importance of getting both satellite carriers to offer it in Vermont. He also noted that all of the Vermont network stations should be offered statewide, including in Bennington and Windham counties. He testified that those counties receive local news from the Schenectady area and from the Boston TV market, respectively, not from Vermont stations.

I can recall hearing from many Vermont families over the years about this issue. In fact, in a letter dated February 20, 2004, I heard from almost 20 Vermont State representatives and State senators about the importance of getting satellite-delivered Vermont stations into Bennington and Windham counties. Indeed, the Vermont General Assembly adopted in both houses a joint resolution urging that ''the Vermont Congressional delegation assist in assuring the availability of Vermont-based television stations on all home satellite delivery systems in the state.'' I am pleased to announce that this just got done with the passage of this new law.

Once the President signs this bill, both satellite carriers, the Dish Network, also known as EchoStar, and DirecTV will be able to offer all Vermont TV stations in all Vermont counties. The Dish Network has been offering Vermont TV stations over satellite for over 2 years, except in those two counties, and DirecTV announced this month that they would begin offering local TV service in Vermont.

Both of these national satellite companies will also be able to offer TV satellite service in analog—as they do now—and in digital after full implementation of this new satellite law.

The Hatch-Leahy Satellite Home Viewer Extension Act of 2004 was approved by the Senate Judiciary Committee on June 17, 2004. All the members of the Judiciary Committee supported that bill.

When the bill was reported out of committee, I noted that the bill does far more than just protect satellite dish owners from losing signals as had happened in 1997 and 1998. 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.

Easily, this bill will benefit 21 million satellite television dish owners throughout the nation, and I am happy to note that around 90,000 Vermonters receive satellite TV.

I was pleased to work on this bill not only with the Vermont Congressional delegation but also 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 in New Hampshire. I also coordinated these efforts with Congressman SANDERS and Congressman BASS of New Hampshire. Viewers in both States in those counties will simply choose whether they want to watch WMUR from Manchester, or watch WVNY or any of the other Vermont stations. For the first time, these residents in both States will be able to receive home State news and programming via satellite.

For too long, Bennington and Windham counties have not been able to receive television news about what is happening in Vermont. Because of Vermont's alpine topography, with many towns in the saddles of our mountains, thousands of Vermonters did not receive Vermont television stations over the air. This new provision solves that problem.

I have received input from all Vermont stations on this effort. I also had my staff meet with representatives from all the Vermont stations to go over the details. I appreciate the input of Peter Martin of WCAX; John King and Ann Curran of Vermont Public Television; Bill Sally of Fox, WFFF; Paul Sands of WPTZ and WNNE, NBC; Ted Teffner of WCAX; Eric Storck and Ken Kazabowski of WVNY, ABC. My staff also met with representatives of Adelphia Cable, Vermont's largest cable provider, and other providers.

As I mentioned on the Senate floor in September, this effort will also allow additional programming via satellite through adoption of the so-called ''significantly viewed'' test now used for cable, but not for satellite subscribers. Generally applied that test means if a family were in an area in which most families in the past had received TV signals using a regular rooftop antenna, then those families 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 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.

I want to thank Chairman HATCH, along with Senators KOHL and DEWINE, for providing such strong leadership in this effort. In 1998 and 1999 we developed a major satellite law which 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.

We also worked with the Public Broadcasting System so they could offer a national feed as they transitioned to having their local programming beamed up to satellites and then beamed back down to much larger audiences.

Because of those efforts, dish owners in Vermont and most other States can

watch their local stations instead of receiving 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.

The good news is that this bill is great for every state in the nation. Consumers in every county in every state will be offered, over time, more satellite TV choices. This effort is an example of how the Congress can work together on complex issues to benefit families all across America.

Many Members had a hand in crafting this bill. Subcommittee Chairman DEWINE, and his chief of staff, Pete Levitas, and David Bolling, and ranking member Senator KOHL and his staff, Jeff Miller and Jon Schwantes, were very helpful in crafting the Committee bill.

In the other body, Chairman SENSENBRENNER and subcommittee chairman LAMAR SMITH did a tremendous job on the Judiciary copyright issues. They worked with their Democratic colleagues including ranking member JOHN CONYERS and subcommittee ranking member HOWARD BERMAN to report out a strong bill.

The leaders of the Committee on Energy and Commerce worked on issues related to their jurisdiction and together with the Judiciary Committee developed a combined bill for House floor action. That was a great idea and they proposed a seamless package. As I have stated several times before, H.R. 4518 represented a very careful balancing of interests and was good for consumers, good for the affected industries, good for copyright holders and good for rural America. Staff of Senate and House leadership helped facilitate the process of working out some of the differences between different versions of the bill.

Many staff worked diligently on this effort, including David Jones with Senate Judiciary and David Whitney with House Judiciary, both of whom were instrumental in crafting good solutions to complex problems.

Many House and Senate Commerce Committee staff pitched in and worked together to get this bill done. James Assey, Bill Bailey, Rachel Welch, Gregg Rothschild, Alec French, Peter Filon, Sampak Garg, Neil Fried, Mike Sullivan and Howard Waltzman are some of the House staff on both Committees who worked hard to get the job done.

I know that my staff appreciated the helpful assistance provided by staff of Speaker HASTERT, Bill Koetzle; Majority Leader FRIST, Libby Jarvis; and Chairman STEVENS, Christine Kurth and Lisa Sutherland, in this difficult process.

I appreciate the efforts of my Judiciary counsel Ed Barron. As he did during the last reauthorization, Ed tried to work with everyone involved to help build a consensus on all the issues. Ed did an extraordinary job as he has done on all the other major projects I have asked him to do over the last 18 years.

In the next Congress, I look forward to monitoring the implementation of this law and am ready to work with all involved in this process to address any concerns that may arise.

Mr. ENSIGN. Mr. President, I rise today to report on a tremendous step forward for public safety, our economy, closing the digital divide, and bringing next generation high definition television to rural America. The House and Senate today passed legislation that will fundamentally impact the future of television especially in rural America. Today the U.S. Congress set aside entrenched special interest group wish lists and took a strong step forward toward making high definition digital television available in unserved areas.

The Satellite Home Viewer Extension and Reauthorization Act of 2004 enjoyed broad bipartisan support and is now headed to the President's desk. I applaud my colleagues from the Commerce and Judiciary Committees, from both sides of the aisle, and from both Chambers. The leaders of these committees did not bow down to the furious lobbying of those who have sought to slow down the digital transition and that attempted to gut the important pro-consumer digital white area provisions designed to make available high definition programming to rural Americans. This legislation sends an unmistakable message that we are not going to allow a digital divide like we have for broadband to occur in the new world of digital television. With this legislation, consumers who cannot receive digital television programming over the air, will now have a chance to receive it from satellite providers who are ready, willing and able to get high definition programming to unserved areas.

One of the most exciting benefits of this legislation, is that it creates incentives and pressures to speed the return of this valuable analog television spectrum. There are endless possibilities for powerful new innovations for consumers that will flourish when new unlicensed wireless spectrum is made available. Consumers will benefit from new devices and services we haven't even contemplated yet.

Public safety also needs to have access to this spectrum to ensure they have the ability to communicate in dark stairwells and wet basements. We know that the characteristics of this spectrum are such that they can penetrate walls and travel over greater distances. The 9/11 Commission tells us that we need to make this spectrum available.

The bill also mandates that satellite providers phase out their use of two-dish markets, across the country in 18 months. Currently, customers in some markets need a second dish to receive some stations and since many customers choose not to receive a second dish, some stations are not seen. This legislation ends that practice.

Our work today, while a tremendous victory, is but the first step forward in what I believe history will mark as the turning point in the U.S. Congress recognizing that blindly clinging to the world of 1940's analog television is only harming our economy, our most rural areas, public safety and is stifling innovation. Today the Congress made an affirmative determination that all Americans deserve to have equal access to digital television programming regardless of geographic location.

The purpose of this legislation is simple; to make sure consumers are not denied digital television based on where they live or whether the digital conversion has been completed in their area. People outside major market areas, like those in rural Nevada, should not be left behind in the DTV revolution.

This legislation includes strong protections against abuse, and tough penalties to ensure satellite providers comply with a fair and equitable process by which all Americans can take part in the digital transition in a realistic timeframe. Local broadcasters who have been unable to turn up a full-power digital signal due to circumstances beyond their control will not be unfairly penalized.

With the passage of the Balanced Budget Act of 1997, the Congress established a timeline for catching up our Nation's television broadcasting with rapidly changing technology. In fact, we gave broadcasters a multi-billion dollar public asset in the form of free spectrum for digital television with the explicit understanding that their analog spectrum be returned by December 31, 2006. Unfortunately, years of litigation, lobbying and foot dragging has made it likely that we will miss this deadline. Next year the Congress will be considering a new hard deadline for completion of this transition and it is my intention to work vigorously to ensure that these dates not be allowed to slip any longer than necessary.

Equally important will be ensuring that we do not forget about those consumers for whom a new digital television set, cable or satellite receiver or digital converter box does not fit in their near-term buying plans. The Senate Commerce Committee has considered numerous proposals to ensure that these consumer's screens don't go dark when a hard deadline passes. Next year the Congress needs to decide on an approach to ensure that especially lower income consumers will be adequately accommodated. There are many good proposals on how to best ensure we protect these consumers, and there is no doubt in my mind that the tremendous proceeds of the spectrum auctions will give us the resources necessary to ensure a successful transition.

Our work also remains unfinished for cable operators who wish to provide the same important services to rural Americans as will now be available to satellite customers. Consumers stand

to benefit even further from competition in the multichannel video programming distribution marketplace if cable providers are afforded some of the same opportunities we have made available to satellite. We have to be careful not to tip the balance in favor of one industry over another. This is why the bill includes a provision requiring the FCC to study and report back to Congress in nine months on the impact of retransmission consent and certain blackout rules on competition in the multichannel video programming distribution market and, in particular, on the ability of rural cable television systems to provide their customers with digital broadcast television programming.

Millions of people in rural areas subscribe to cable television service, often from small cable operators. Once again, it is not our intent to create a competitive advantage for one technology over another consumers should not be forced to choose between DBS and cable in order to receive digital broadcast television signals. I look forward to receiving the commission's report and I am confident the committee will give serious consideration to any recommendations for additional legislative action contained therein.

This Congress sent a powerful message today that we understand the importance of the digital transition, and the powerful benefits for public safety, television viewers, innovation, public safety and our economy. I fully expect the momentum of this victory will carry forward into the next Congress where we can build on these great accomplishments for consumers.

TECHNICAL CORRECTIONS TO H.R. 4818

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 528, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 528) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

The Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 4076

Mr. FRIST. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. STEVENS, proposes an amendment numbered 4076.

The amendment is as follows:

At the end of the resolution, insert the following:

Strike Section 222 of Title II of Division H.

The PRESIDING OFFICER. Under the previous order, the amendment at the desk is agreed to, and the concurrent resolution, as amended, is agreed to, and the motion to reconsider is laid upon the table.

The amendment (No. 4076) was agreed to.

The concurrent resolution (H. Con. Res. 528), as amended, was agreed to.

CONGRATULATING SENATOR STEVENS

Mr. FRIST. Mr. President, I congratulate the Senate Appropriations chairman, our President pro tempore, TED STEVENS. Since 1971, for 34 years, Senator STEVENS has served on the Appropriations Committee, and for the last 8 years, or almost 8 years, he served as chairman of that committee, with a 1-year interruption in 2002 to be its ranking member.

Beginning with the new Congress in January, the chairmanship of the committee will pass to another Senator. So today the chairman has brought to the floor the last appropriations bill under his chairmanship, the Consolidated Appropriations Act of 2005.

It is only appropriate that this final bill was put together—and we all saw it play out over the last several hours, days, and weeks—with the same hard work, the same focus, the same tenacity, and the same perseverance which has characterized his leadership of this committee over the last many years.

I do, on behalf of the Senate Republican caucus—indeed, the entire Senate—say, thank you, Mr. Chairman, for all you have done.

It would be a mistake, also, if as leader I did not recognize the extremely hard work of the chairman's staff under the superb leadership and guidance of the staff director, Jim Morhard. At the end of this Congress, Mr. Morhard will be leaving public service after over 26 years, most of it spent right here in the Senate.

Jim, we thank you for your dedication and your service to Government, to this institution, and to the Appropriations Committee.

There have been a lot of long days and long nights over the last several weeks for staff, and some staff, particularly those on the Energy and Water Appropriations Subcommittee, have literally gone for over 48 hours straight without sleep to bring us to this point today and tonight where we have passed this legislation. I know I speak for all Senators on both sides of the aisle when I say thank you for your work done under some very challenging and very difficult circumstances.

This has also been a challenging year for the budget and appropriations process. We were able, though, in spite of all those challenges, to establish an enforceable $821.9 billion spending limit for this year. The bill today, along with the other four appropriations bills enacted to date, have lived by that strict spending limit we established.

Total appropriations, excluding defense and natural disaster emergency spending, will increase 3.9 percent over last year with the enactment of the bill that we passed tonight.

More important, appropriations for nondefense, nonhomeland security spending will increase by less than 1.7 percent, and that is the smallest growth in nondefense spending in this area of the Federal budget in nearly a decade.

So, yes, this has been a very tough bill setting priorities and making difficult tradeoffs to stay within the spending limit, while at the same time addressing the priority items, all of which is not easy, to say the least, but within the strict confines of this bill, it does provide $19.5 billion for veterans medical care, $16.2 billion for NASA, $28.6 billion for the National Institutes of Health, and $57 billion for the Department of Education, among other important, significant domestic programs.

The bill also provides nearly $3 billion in necessary funding to address the pandemic of HIV/AIDS, and that is $700 million more than last year. It also provides $400 million, actually over $400 million in humanitarian and refugee assistance for Sudan and $1.5 billion for the Millennium Challenge Account.

Despite the tightness of this budget, Chairman STEVENS and Senator BYRD have brought a great bill before us today, and a great bill has been passed tonight. Yes, we know it does not please everyone; there is no way it possibly could. But it is the final product of this Congress that has been agreed to and a product of which we can be quite proud.

I do appreciate the Senators' support for this bill, and it does bring to completion the fiscal year 2005 appropriations process. Thank you, Chairman STEVENS.

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. SESSIONS. 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. SESSIONS. Mr. President, I was reluctant to cast my vote against this bill which has a lot of good things in it, and it is not as bad as some bills that have come through, but I want to share some of my concerns and thoughts tonight.

We have had charges for sometime that we have used accounting gimmicks to get around the budget caps or limits in the bill. This bill's gimmicks are not as bad as we have had in some years, but there are some here, and I think we ought to talk about them.

Our budget for the year was $821.919 billion for the discretionary account. In order to comply with the budget resolution, this omnibus bill relies on roughly $1.6 billion in practices that many of us have described as gimmicks. And there is an additional $400 million in spending that was designated as an emergency which is not subject to the budget limitations. So it is basically $2 billion over what the budget limit should be, unpaid for and funded by freezing the debt in reality.

How did we get there? An $821 billion budget was the discretionary spending. The Senate insisted on $4 billion more in additional spending above the budget resolution. While insisting that spending remain within the overall limit, the administration sought funding for certain Presidential priorities at higher levels than provided either by the House or the Senate. As a result, the omnibus bill pays for this additional spending, I am pleased to say, with an across-the-board cut, across all the accounts, of .8 percent, less than 1 percent, but it did pay for most of that. It reduces the accounts in all bills and helps reduce the amount of debt that would be incurred by this spending bill. While we would prefer to live within our budget, this across-the-board cut is better than increased debt.

However, rather than paying for all of the increases with this across-the-board cut, which we could have done by perhaps having a 1-percent reduction across the board, the bill includes a series of at least four accounting maneuvers.

First, the omnibus bill includes an accounting shift regarding public housing authorities, PHAs.

Currently, the Federal Government subsidizes the operating costs of PHAs. However, the PHAs are on different fiscal years and normally get their full annual allocation at the beginning of their fiscal year, October 1. The omnibus bill will include language requiring all PHAs to convert to a calendar year budget, resulting in $1 billion in savings for 2005. No cuts, nothing but a maneuvering of the calendar year budget and that would save $1 billion. But it is not a saving, is it? The effect of the provision is to defer costs into the future to allow for additional spending now and spending that will likely be assumed into the baseline of our spending, and the baseline of spending is very important.

I will take a moment to discuss why baseline is so important. When we increase annual spending by $2 billion, that is a significant hit to the taxpayer. It does not sound like a lot out of a $821 billion budget. We have had worse years, I will admit, but still a significant hit.

Next year, when we begin the budget and appropriations season, that $2 billion will be assumed into the baseline, meaning to fund all the programs at the previous year's level, we will need to spend another $2 billion.

Second, the bill rescinds roughly $300 million in defense appropriations. It took $300 million from defense, raising the concern for some that defense spending may be reduced in priority and we ought not to take anything from defense we cannot fully justify, and I do not think we need to in this time of war take anything from defense.

In addition, it is unclear such a rescission will result in true savings. For instance, the fiscal year 2004 omnibus included a similar $1.8 billion rescission of defense and unused emergency spending from post-9/11 to help meet last year's budget resolution. That $1.8 billion was later restored in the Department of Defense conference report and it was labeled an emergency. So what happened? It is pretty clear, is it not? What happened was that last year we used this reduction of defense by $1.8 billion and later we declared it an emergency, which means it is not subject to the budget limitations of the budget, and we funded it by increasing the debt. In other words, we went around the budget limits, the budget caps, we agreed to.

Third, the bill relies on new data suggesting that receipts have increased in the Crime Victims Fund by $283 million. However, CBO, the Congressional Budget Office, does not publish an updated economic outlook until January and thus to have access to such funds it would be necessary to direct CBO to assume such revenues in its scorekeeping.

The committee has left the directed scorekeeping provision out of the text due in part to past objections by some conservatives to such provisions, and thus when a CBO score is finally produced, it will probably result in the omnibus exceeding the budget resolution.

Finally, the omnibus will also include an extra $300 million for the Low-Income Energy Assistance Program, LIHEAP, another $300 million beyond the regular appropriations, because of high energy prices. This will be designated as an emergency and it will not be counted against the budget resolution, even though past LIHEAP contingencies have been paid for within the budget parameters. So LIHEAP has been declared an emergency.

I do not think we need to be in a position of saying that simply an increase in the energy prices justifies a $300 million increase in spending straight to the debt and violating our budget. In addition, the bill provides an additional $100 million in emergency designations, $7 million for the Postal Service, and $93 million for Sudan.

If we measure our spending by maintaining the same rate of increase, we will not only have to spend the $2 billion next year, but we can assume more than $2 billion on top just to maintain the rate of increased baseline. So a $2 billion increase this year becomes a $4 billion increase next year, or at least an increase in the debt. And this is the way it works: We go over the budget this year by $2 billion. Then next year, we have to have a budget that funds that same $2 billion, and if our habits continue the same and our appropriators cannot stay within the $821 billion or whatever our budget number is next year, and it will be somewhat higher, then we will have another $2 billion or maybe more through additional gimmicks next year, because I do not think we have ever done an appropriations bill since I have been in the Senate that has been truly honest, without some gimmicks.

Now, I figured this out. If we did it just $2 billion—and, remember, often we have done worse than this bill and had more than $2 billion in gimmicks—then the next year there is another $2 billion plus the $2 billion we raised up this year, and so it is $4 billion up, and the next year it is $6 billion up, and next year it is $8 billion. Add those to the amounts that have been tapped and hit the country with deficit spending, in over 10 years I calculate it would be $132 billion. So this $2 billion a year is not a one-time deal. It tends to become part of the baseline of Federal spending, and as a result of that it grows exponentially over time. That is how we get out of control.

Now, the way we reached a surplus in our budget account and eliminated the deficit throughout the 1990s fundamentally was good control of spending—not perfect but pretty good. Remember, this Congress shut down the whole Government for a while, trying to contain and cut spending. At any rate, over a period of time we did a pretty good job of controlling spending. This year's budget is good on discretionary spending. It is less than a 1-percent increase. I am proud of the Senate for doing that. I am proud of President Bush for supporting it. It was the right decision. We have done a pretty good job of staying with that. But I want to point out that just this $2 billion excess can make a large difference in the total over a period of years.

If we would remain true to the limits we all agreed to in our budget, the $821 billion, and we stayed flat at that, it would make a big difference over time, a lot more than people think. If we had not had this offset, which I salute our appropriators and the leadership in this Senate for taking a .8-percent reduction across the board to fund most of this, we would have been in lot worse shape. We got so close. My concern is, why not go all the way? Why not be true to the budget we agreed to, the budget limits we had? If we had done that, I think we could be more proud of our work today.

I conclude by expressing my concern about the budget and the need to stay absolutely true to it. If we will, it will make a huge difference over a period of years in our goal to substantially reduce the deficits that are facing our country. Again, I want to say how much I appreciate the leadership of Senator FRIST, Assistant Majority Leader MCCONNELL, and Senator STEVENS for the work they have done on this bill. It is a very difficult job.

We do not need to be doing this every year. My best judgment is that we absolutely need to do a budget that is good for 2 years. We do not need to be doing this every year. We could work more carefully on it, more responsibly, and end up with a spending level we can agree to and not have two opportunities to break it—there would only be one opportunity to break it—and I believe we can make real progress in maintaining fiscal integrity in our Government by doing so.

I yield the floor.

Mr. DOMENICI. Parliamentary inquiry: Is now a time to speak or are we in some kind of special business?

The PRESIDING OFFICER. The Senator may be recognized.

Mr. DOMENICI. I seek recognition, to use 5 minutes as in morning business.

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

TWO-YEAR BUDGETING

Mr. DOMENICI. Mr. President, I know it is late and there is nobody here. Somehow or another, it seems like, when you have things that are moving along and moving rather slowly, you have to regularly call them to the attention of the Senate.

I do not have anything but great praise for how we got here with this bill. Everybody is saying it could not be helped. Senator REID and I understand. A piece of this bill is ours. We could never get it done until late in the session because it seemed as if nobody wanted to understand the problem we had. We couldn't do the things we were supposed to do because there was a misunderstanding in the budget about how to pay for things. So that was done.

The thing is, if Senators had before them tonight, before this bill, a final vote on a measure that said we are going to do this every 2 years instead of every 1 year, and we are going to do a budget resolution for 2 years, do you know what would have happened? It would have passed with 75 votes because people around here understand we do not have to do this every year. You can do it for 2 years, with 2-year budgets and the right to have, in between those appropriations bills, the special kind of special needs appropriations.

It certainly would not be like it is now. You have those now and you have appropriations every year. You have the supplemental appropriations.

I took this minute to say someone, sometime—maybe before I leave here—will do that. I actually believe the House is ready. They voted on it. They didn't have the bill we would have, but we could go to conference. But I just want to use this last few minutes. Nobody is around and I ought to be out of here at home. I have some new grandchildren at home and they can't watch me at this late hour because they are too little, so I should be gone.

But it is good to have an example. Frankly, I think if we had 2-year appropriations, we wouldn't have this because I think the individual bills would be done, if you had, instead of every year, 2 years to do them. I think we would have a lot of time for oversight and other things we do not do. In fact, my memory is not as good as it was and I can't tell you the percent, but a huge amount of the Senate's voting time and floor time is used for just three things: budget, appropriations, and supplemental appropriations. That is a huge amount of the time. I don't know how we get all the other things done.

So if we could do it every 2 years, it seems to me we would all be the better for it. We would be less apt to have this kind of thing occur with an omnibus, meaning overall, many—all put in one.

I yield the floor.

Mr. SESSIONS. Mr. President, 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. 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.

BOY SCOUTS OF AMERICA

Mr. FRIST. Mr. President, in a bit we will be wrapping up. There is a lot of business that is being tended to and it will probably be 30 minutes or so before we officially wrap up. I thought I would address several issues that have come to my attention over the last several days and cover some of the events that have occurred earlier this week.

The first is an issue that leads from what we learned earlier this week when the Department of Defense warned American military bases worldwide to cease officially sponsoring the Boy Scouts of America.

The Department issued its directive in response to a lawsuit filed by the American Civil Liberties Union. The Illinois chapter of the ACLU accuses the U.S. Government of improperly supporting a group which administers a religious oath. The ACLU's legal attack has forced the Defense Department to suspend its decades long tradition of supporting Scouts and it may even prevent Scouts from celebrating their annual jamborees on Defense installations. But it does not stop here.

There is fresh evidence that the ACLU intends to end all Federal support for the Boy Scouts of America. In their view, where there is Government, there cannot be faith. The separation of church and state is a bedrock principle of our Republic, and Americans are grateful that we are free to worship as we choose without Government interference or fear of persecution. But to this legislator, the ACLU's continued attacks on the Boy Scouts is starting to become its own form of persecution.

The Boy Scouts of America is a congressionally chartered organization. It serves a patriotic, charitable, and educational purpose. Furthermore, its support by the Federal Government is outlined in U.S. law. I was a Boy Scout as a young boy in Nashville, TN. All three of my sons, Harrison, Jonathan, and Bryan, have been Boy Scouts here as we have lived in Washington, DC.

We have found, and it is generally accepted, that Boy Scouts and Scouting is a noble tradition, an honorable tradition, that inculcates the very best of our values. Since its founding in the early 20th century, scouting has served America's communities and families with distinction and with honor. The Boy Scouts and the Girl Scouts promote character in leadership by instilling in our youth values such as honor, duty, charity, integrity. These programs help prepare our young people for the ethical and moral choices that they will face throughout our lives.

It is for these reasons that I introduced a bill called the Save Our Scouts bill to reaffirm our longstanding commitment to the tradition of scouting. The legislation stipulates that no Federal law, including any rule, regulation, directive, instruction, or order shall be construed to limit any Federal agency from providing any form of support to the Boy Scouts of America or Girl Scouts of the United States of America or any organization chartered by the Boy Scouts of America or the Girl Scouts of the United States of America.

Activities supported include holding meetings, jamborees, camporees, or other Scouting activities on Federal property, or hosting or sponsoring any official event of such organization.

I am disappointed that this bill did not pass by unanimous consent, but I am hopeful that in the next Congress common sense will prevail and both Chambers will give their unanimous support to protecting the Scouts.

Scouting has served generations of American boys and girls. It has earned its place in the hearts of millions of Americans who look back fondly, just as I do, on that special time of merit badges, hikes, fellowship, and service. I am confident that we will preserve this honorable tradition for years and generations to come.

INDIVIDUALS WITH DISABILITIES ACT OF 2004

On a separate issue, late last night a very important bill called the Individuals with Disabilities Act of 2004 passed and is now on its way to the President's desk for his signature. Several years ago, I had the opportunity in this body to chair what was then called the Subcommittee on Individuals with Disabilities, and over that Congress, that 2-year period, spent a great deal of time focused on this particular legislation called IDEA, Individuals with Disabilities Education Act.

I commend the Senators from New Hampshire and Massachusetts who have done a tremendous job in their bipartisan work on this very important legislation. There are more than 6.5 million children with disabilities who are served through IDEA, along with more than 430,000 special education teachers. The Individuals with Disabilities Act of 2004 carefully addresses the needs of those disabled children and the schools they attend.

The bill refocuses Federal law on outcomes for disabled children, ensuring that States focus on academic results, not process, while still guaranteeing the rights of the child to be protected.

Teachers are now burdened with hours of paperwork that take away from classroom instruction. I have seen the paperwork requirement. Teachers have shown me stacks of forms that are 6 inches, even a foot high, page after page. They are required to complete these forms before they can take care of the needs of those disabled students.

This bill enables those teachers to devote more of their time and more of their energy to the classroom, and in turn their students benefit from more of their undivided attention. The attention is on the students with disabilities rather than on paper.

The staff of Senators GREGG and KENNEDY deserve great credit for their hard work and effort that made final passage of this conference report possible. In particular, I recognize the tremendous work of staff members Denzel McGuire and Connie Gardner for their commitment, their dedication and labor on behalf of disabled students.

As I mentioned, it was late last night that that bill passed, and it is on the way to the President, again a tremendous achievement for this body. I congratulate the chairman and the ranking member on the success of this bill.

MEDICAL MODERNIZATION ACT

Mr. President, because we will be leaving tonight and will not be here over the course of the week, I want to address a bill called the Medicare Modernization Act. Next week is the 1-year anniversary of the Senate's historic passage of this act, the Medicare Modernization Act. Since we will not be here next week, I want to again just mention, on this anniversary, a few days early, the historic significance of this bill.

First, the Medicare Modernization Act represents the most significant improvement to the Medicare Program since its inception almost 40 years ago. It also represents one of the great bipartisan achievements of the 108th Congress. Because we acted, because this bill passed 1 year ago, seniors will gain access to more affordable prescription drugs, the most powerful tool in American medicine today.

Up until passage of that bill, this powerful tool in American medicine, prescription drugs, was not a part of the Medicare Program. They were not covered under Medicare at all. To me, it made no sense. To this Congress, it made no sense to deny affordable access to seniors to prescription drugs in this program if you are going to be promising it, if your obligation to them is true health care security.

Seniors and individuals with disabilities will enjoy better and more cost-effective care through disease management and chronic care management because of this bill. They will have access to expanded preventive care, such as annual physical exams, because of this bill. The overall quality of care will improve over time because Medicare will begin, for the first time in the program, to measure and, indeed, pay for quality performance.

We will also improve health care safety and efficiency through means such as electronic prescribing and other innovative reforms. We know this whole process of electronic prescribing or e-prescriptions will have a direct impact on reducing those unintended and unnecessary medical errors. It will improve patients' safety for our seniors when they receive their care.

Because we acted a year ago, seniors and individuals with disabilities will soon enjoy true health security. I am pleased to say that real help already is in place. The bill will not be fully implemented for another year yet but already help is in place. Less than 1 year after the Medicare bill became law, nearly 6 million seniors were already getting substantial savings on their prescription drugs through that Medicare prescription drug discount card.

As an aside, if you are a senior and you are receiving prescription drugs today, you are on prescription drugs today, and you do not have that Medicare prescription drug discount card, please call 1–800–MEDICARE and talk to the Medicare representatives and ask them how you can get that card because that card can give you immediate savings.

If you are a low-income senior, it is especially important because if you sign up for that card before the end of December, you get an additional $600 value on that card. I say an additional $600 value; that is in addition to the discounts of 15 or 20 or 25 or even 30 percent that everyone gets on that Medicare discount card.

I have a couple of examples in my home State of Tennessee. Almeta Chesney of Knoxville, TN, came to a drug card enrollment event I hosted in May. I had the opportunity to host several of these events across the State to help educate our seniors as to the advantages of this card. She enrolled in the prescription drug discount card program and is now saving over $230 every month. Before she had the card, before we passed the bill, she didn't have the card. She was having to pay an additional $230 which she is not paying today. That is $230 in savings that is in her pocket now, so she can save or invest or spend. Now, $230 a month is nearly $3,000 a year because of that prescription drug card that she can get through Medicare, that she got through Medicare.

Mary Surber, 86 years old, also signed up for a card at an event I held in October in Knoxville. She will save over $2,000 a year, a savings of 87 percent of her annual drug bills. Again, this Medicare Modernization Act in this first phase, where you can get that Medicare drug discount card, has huge potential savings for seniors who are on prescription drugs.

The Medicare Modernization Act is helping younger Americans gain access to more affordable health insurance coverage through portable and tax-free health savings accounts.

The health savings account, although we passed it in the Medicare bill, is available for people in this body, our colleagues. I do encourage my fellow Senators and other Federal employees to look at a health savings account. For the first time in the Federal Employees Health Benefits Program, FEHBP, our health care program, you can have that option of getting a health savings account. I look forward to looking at it very closely, and I expect I will sign up for a health savings account in the next couple of weeks, and I encourage others to look at that.

The advantage of these health savings accounts—and, again, they are new with the Medicare Modernization Act—is that they are portable. You can take them with you. If you change jobs, the personal savings account, health savings account, you can take it with you from job to job. If you don't use that savings account in 1 year, the good thing about it is you can roll it over to the next year. So it has this rollover component. It has the savings component which grows tax free. The interest actually grows, but you can put in money tax free and you can take money out tax free.

So these health savings accounts are tremendous. They are already giving younger Americans and others more control over their health care choices and hard-earned dollars, health savings accounts, being a high deductible policy coupled with this personal, portable health savings account that did become rolled over.

All of this was in the Medicare Modernization Act that was all passed by this body in a bipartisan way over a year ago—almost a year ago. I am deeply thankful for the cooperation and the hard work and dedication of my colleagues in this body to overcome years of partisan gridlock. We had hunkered down for years, having affordable access to seniors through Medicare, yet we never did it. It used to be just talk. But, indeed, a year ago we delivered that on the floor of the Senate. We finally have offered seniors the security they need and the choices they deserve.

I am very proud of our health care accomplishments, proud they provide a platform to build on on which we can take our next steps to making health care more affordable and more available and more dependable for all Americans.

Although we are bringing, really, tonight—and we will come back on December 7 for a very short period—to a close the 108th Congress, I am very excited about looking to that agenda in the 109th Congress on health care, where we address what bothers most Americans today, or what bothers most Americans, and that is the soaring cost of health care.

That has a huge impact on the number of uninsured in this country, as we look at issues such as medical liability, where in States such as Florida and

Ohio and Pennsylvania there is a medical liability crisis, a lawsuit abuse crisis which has a direct impact on raising the cost of health care but, probably even more importantly, diminishing the access to health care in ways that are hurting people—hurting the quality of care, hurting the access where moms or future moms are losing their obstetricians; where you have to worry, if you are driving through parts of Ohio or Florida that, if you have an accident, if you are so unfortunate to have an accident, that there might not be a trauma surgeon on call.

Because of the impact these unnecessary frivolous lawsuits are having, it is driving physicians out of the practice of medicine, out of obstetrics. No longer can they afford to take a call at these trauma centers.

We have a great foundation to build on as we address health savings accounts, health care security and prescription drugs for seniors and individuals with disabilities. In that bill, we open the door to paying for performance and paying for quality of ownership of health care accounts, of stressing chronic disease management, managing for illnesses such as diabetes and hypertension, of being able to look at health care in an integrated way of pulling all the little stovepipes together in a way to the benefit of individual patients.

There has been real progress in the past, and I look forward to a really exciting future as we go forward to address this new agenda in health care that focuses on the individual patient, focusing on consumer-driven medicines, focusing on provider-friendly health care that is patient-centered and that is the model of the future, the model that we will continue to work toward.

SUDAN

Mr. FRIST. Mr. President, the fourth issue I want to mention is an issue that even before the last recess—I remember on the night before closing the Senate down we had a period of time similar to this before the final business and the final what we call wrapup was brought to the floor—I was talking about this very same issue. I was talking about a similar type of issue a year ago, and I am going to bring it back to the floor right now because it is an issue that is close to my heart. It is an issue that affects me in profound ways. It is an issue that I don't have the answer to yet, and no one does, but it is an issue that by continually focusing a shining light on it, by educating others, we can change the course of humanity in this part of the world. This part of the world is the Sudan in Africa.

This week the Sudan Government agreed once more to make peace with its southern region. Civil war has gone on for about 23 years. About 5 million people have been displaced from homes. Over 2 million people have died in this civil war which has now gone on for about a quarter of a century.

I have spent a little time in Sudan. I was there in August a couple of weeks before the Republican Convention, and I was there about 10 months or 11 months ago as well. I was there the year before that and the year before that and the year before that. So the Sudan is close to my heart.

While it is encouraging news that we are much closer to peace and the international community is hopeful, we still can't overlook a crisis. Again, this is a north-south civil war on which we are making real progress. But in the whole western part of this huge vast country of Sudan is a region called Darfur. This Darfur region that is about the size of France is a region that is in crisis.

For 22 months, the Sudanese Government has waged war against the people of the Darfur region. Despite two United Nations Security Council resolutions, pressure from the international community and neighboring countries, the government of Khartoum continues its genocidal campaign. Last week Khartoum ostensibly agreed to halt attacks, but within hours of their agreement Sudanese police raided a camp in southern Darfur destroying homes and driving out civilians.

Tens of thousands of innocent victims have died as a result of government-sponsored violence, and 1.8 million more have been displaced from this Darfur region. Entire villages have been burned to the ground. Women have been raped and children have been abducted and executed. Special United Nations envoy Jan Pronk warns that Darfur is on the brink of anarchy.

We cannot stand by as the people of Darfur suffer. We cannot allow another Rwanda. They are calling out to us. They are pleading for our help. We have a responsibility to act.

In about mid-August, I visited a refugee camp called Touloum in the country of Chad. The country of Chad is just to the west of Sudan and just to the west of this Darfur region, which is in the western aspect of Sudan. Touloum is several hours northeast from the capital N'Djamena.

I met with refugees and community leaders in this refugee camp. What I saw and what I have heard in Touloum in this camp was truly appalling. Thousands of refugees were housed in dust-covered tents. Many more lived in makeshift shelters of gathered wood and plastic sheathing. Some of the itinerant refugees just moving into the camp and waiting to get into the camp had simple sticks with either clothes or sheets or rugs, pulled together and slept there for days waiting to get into the refugee camp.

I remember the moms and many children running around, some way or another. The children are fairly malnourished and having been on the road for a period of time walking through the bush, what we call cachectic in medicine but skinny and clearly no muscle tissue at all and sunken faces but still smiling, still playing, and still fashioning, with a piece of balled up cloth, playing soccer.

There was a lot of dust there. The rainy season had not quite yet hit.

I had the opportunity to speak with a gentleman named Asman Adam Abdallah. In Darfur, he had been a man of prominence, an officer of his tribe, a government official. He was from a village called Jemeza just north of the regional capital of El Fasher.

During the attack on his village, he became separated from his family. That tends to be the rule. He didn't know if his family was still alive. He didn't know how he would be able to go back to find them.

He told me their story—recounting that he watched 15 people of his village killed one by one by one by one. It had taken him about 18 days to reach the safety of this refugee camp called Touloum.

Sudanese Government planes bombarded Asman and his fellow survivors as they trekked first to the Tine, which is a town on the Sudanese-Chadian border.

Another refugee in that Touloum camp described how during a raid on her village several soldiers grabbed a baby to check and look at what the sex, what the gender of that child was. The soldiers began arguing back and forth as to whether to kill that little baby boy. She overheard one soldier remarking but ''he is so young.'' It appeared that the soldiers were under orders to kill all male children.

I heard of a mentally disabled 15-year-old boy being thrown into a burning house and an old paralyzed man burned alive in his hut. I heard stories of women raped in front of their own children.

I asked one refugee in Touloum what would it take for him to go home. He said to me: I will go if you come with me and stay with me.

The Janjaweed attacks described to me were disturbingly similar. The Janjaweed are preceded by aerial attacks by Government planes flying overhead.

In some cases, soldiers in government uniforms participate on the ground and they made references, according to these witnesses and the villagers whom we talked to, references to orders from Khartoum. Survivors tell of racial slurs being probed at them as the Janjaweed swept through their villages, killed the men, killed the boys, and razed the homes.

The dictatorship in Khartoum claims it has no control over the Janjaweed, but I believe otherwise. I believe if they were sincere in their efforts to make peace, peace indeed would be at hand. The direct line between the Government of Sudan, the Janjaweed, and the raping, the pillaging and murder is so direct that I am convinced, with an order from the top, the crisis would stop. It would immediately end.

The regime in Khartoum, however, has cynically concluded it can survive a moderate amount of diplomatic pressure and continue the genocide. I refer,

again, to this to be ''genocide.'' Indeed, it was in the Senate that, through a resolution which was unanimously accepted, we called it genocide. That is what it is.

Khartoum seems to believe it can ignore the mostly rhetorical pressure that has been brought to bear by the international community. That, unfortunately, has been what the international community has done. The light has been shone on the tragedy that has occurred there, but the response from the international community has not yet been as strong or as bold as it must be.

Khartoum believes the threat of a Chinese veto at the United Nations Security Council will protect it from more serious sanctions. We have to prove them wrong.

About 7 years ago I first went into Sudan. Osama bin Laden left Sudan about 1996 and shortly thereafter I had the opportunity to first go into the Sudan as part of a medical mission team. I have been able to visit the Sudan, Uganda, Kenya, and now Chad, the countries surrounding Sudan, as part of this medical mission work. A little hospital called Lui in southern Sudan that I visited this August now sees about 40,000 patients a year. There is still no running water there, and there is still no electricity. There is a generator, but there is still no villagewide electricity. It is in the southern region of Sudan.

The first few times we flew into that area, there was no hospital, or the hospital had been locked up, with landmines all around, for about 18 years, and we could not operate in the little hospital. That has been closed down for almost two decades. So the first operations were performed in a little schoolhouse. I remember vividly driving up and they said, this is where you will be operating. It was clearly a little schoolhouse because you walked into the room we were operating in the next day and there was a big chalkboard there. There was a chalkboard on the opposing wall, literally. Within 24 hours we did those first operations.

After a couple of years operating in the schoolhouse, the landmines were taken out. It was demined. The old hospital was demined. Today, as I said, from the first few patients, almost 40,000 patients were seen last year, with thousands of operations performed, still under primitive conditions.

Once you have a health care entity or a doctor-patient relationship or surgery being performed, all of a sudden trust is reestablished. And although there was no village there at the time because people had been displaced from their homes and driven back into the surrounding hills, once that doctor-patient relationship began, soon thereafter a little commercial activity started and people would come and camp outside the facility. Then the next year I would go back and instead of having one little cart there selling tobacco or maize, there would be five or six. The next year there would be 30. Now there is a huge market. Now there is a church that has opened and a school that has opened. It has become a village now with people coming from hundreds of miles around to this, still, only full-service hospital or clinic in southern Sudan.

In the southern Sudan, this region of Lui, I also had the opportunity to go up to the Nuba mountains, which was an interesting first trip for me because the Nuba mountains had been closed for a period of time to all aid. There was no United Nations aid coming in because the Government at that time—again, this was 6 or 7 years ago—said it was too dangerous and they would not let relief agencies go in. I had the opportunity to go in. The fact I could get in—at the time I was a U.S. Senator but predominantly traveling as a medical missionary—it was safe enough for us, so aid could go in and aid is going in from around the world to that part of the world.

I had the opportunity to go to Bapong, a town in the upper west. I remember flying into Bapong and we treated a patient right off the field we landed in. Somebody brought a patient there. I remember vividly the patient would have died, if we had not come in, because of a huge abscess, infection, in his thigh. I remember it so vividly. By that very simple procedure, very, very simple procedure, this man's life was saved. In fact, as a surgeon, it was a very easy procedure, but there was a medic—we called him a medic; a medicine man—no formal training, who was responsible for the villagers. Because of superstition and because he had never done it, he did not know how far he could actually cut with the knife and the patient still be able to live. By grabbing his hand and my hand wrapped around his hand, it gave him confidence to go a little bit deeper. When we went a little bit deeper, the infection was released. I remember the joy in his face because he realized that action, indeed, had in essence saved this patient's life.

In Bapong, I was told by regional leaders that the government was deliberately targeting civilians and denying them basic medical needs. Ten days after my visit, government forces attacked Bapong and killed 2,000 people.

It is long past time for the Sudanese Government to cease and desist activities that have resulted in civil war and punishment. Countless innocent people have died. Now the crisis is risking—I hope it does not occur—but there is a risk of it spilling over into neighboring countries.

This fall, the Senate and House unanimously passed resolutions pressing for the immediate suspension of Sudan's membership on the United Nations Commission on Human Rights. All 535 legislators, 100 in this body and 435 in the House of Representatives, agreed that Sudan's membership on a commission to protect human rights is a travesty, a cruel trick at the same time that such oppression and death is going on in the Darfur region. It defies all decency that a nation that is actively engaged in genocide against its own people could occupy a position of honor and authority on a commission in the United Nations devoted to human rights. It does not make sense. It is wrong.

I applaud the President and Secretary Colin Powell for their effort to bring accountability to the Khartoum Government. This administration has shown immense leadership in addressing the crisis in Darfur. The United States is providing over 80 percent of the supplies flowing to Darfur in eastern Chad. It is something that we as a Nation should be proud of, we are proud of.

Since February of 2003, we, this body, our Government, have provided $218 million for Sudan. The Senate foreign operations bill provides $611 million more for fiscal year 2005 and an additional $75 million for African Union peacekeeping activities.

In September, Secretary Powell came before the Senate Foreign Relations Committee and unflinchingly declared the situation in Darfur to be government-sponsored genocide.

Last month, the President authorized the use of three C–130 transport planes to convey 3,300 Rwandan and Nigerian peacekeeping troops into Darfur. We have much to be proud of, but there is much more to do.

The United Nations Security Council is concluding its 2-day meeting in Nairobi, Kenya, right now. During this week's meeting, council members discussed all sorts of approaches, mainly carrot-and-stick approaches, to bringing Khartoum into compliance with those international human rights standards.

U.N. Ambassador Jack Danforth, a former colleague of ours from this body, has worked hard to press the U.N. to take bold and concrete action. I support him with every fiber in my body for this critical work, for this difficult work, for this challenging work.

As you can tell, I am deeply committed to the future of the Sudanese people. I will be back there on a regular basis. What I learn, I do bring back to this floor. And whether it is translating it into our Sudan Peace Act of years ago, or into our observations and declaration of genocide in the Darfur region, or increasing aid to that part of the world to facilitate peace, or to support the tremendous leadership and tremendous work of Ambassador Danforth, we must be there as a nation. And we will be there as a Senate.

The plight of the Sudanese people calls out to all freedom-loving nations, not just to the United States. So I encourage other nations to look, to observe, but then to act, and to assist or work side by side with the United States of America as we address these challenges.

As a Senator speaking on this floor, as a physician, as a doctor, as a human

being who cherishes life, I believe it is our duty to answer that call.

CLEAN WATER

Mr. FRIST. Mr. President, I am going to mention one final topic as we wait for the final wrapup business to be concluded. It is a topic that is related to the topic I just discussed because it centers on the continent of Africa. It focuses on a different issue, but an issue that has real global consequence.

I traveled to Africa last year with our colleagues from this body, Senator WARNER, Senator DEWINE, Senator ENZI, Senator ALEXANDER, and Senator COLEMAN. We visited a project to bring clean water to people. This was down in the southern part of Africa in Mozambique. The project is to get clean water to the village of Tshalala, Mozambique.

This particular project is funded by a wonderful organization whose leadership I admire tremendously, supported by generous people all over this country, indeed, around the world, the group called Living Water International.

Now, this was out in the bush. It was out in a very rural area. The project was located in a neighborhood that was small. It was a very dusty, very poor neighborhood. But that neighborhood had clean water, and it came from a simple well with a hand pump. We all pumped from this well. It functioned easily. It became the whole centerpiece, of course, and the real focus for that entire community.

Access to clean water is a women's issue. It is a public health issue. It is a sanitation issue. But I started by saying it is a women's issue because it is the women in Africa—all over the continent in Africa, in Mozambique and in Tshalala—who, before having a well, would be the ones who would walk for, not just minutes, but hours in order to get water for their family. But women in that part of Tshalala did not have to walk miles with jugs of water to provide for their families. Instead, the well supplied their households with clean drinking and bathing water.

What Living Water International does is very simple. It teaches residents to drill wells. It trains them in sanitation and equips them with the tools and knowledge to maintain water equipment.

The pump we saw in Tshalala cost, in American dollars, about $2,800. It improves the standard of living. It spares many of the women that backbreaking labor. It saves them time and allows them to be with their children. This well saves the lives of dozens of villagers.

From a public health standpoint, from a sanitary standpoint, it saves lives. It is exactly the sort of resource that is lacking in much of the world. Clean water ranks high among the world's health problems. The statistics are staggering. They should alarm any person of conscience.

What are they? According to the World Health Organization, over 1.8 million people die each year as a result of diarrheal disease. Almost all of it is caused by waterborne illness—1.8 million people.

Over 40 percent of the world's population, most of it in undeveloped regions of Africa and Asia, live without access to clean water. Without intervention, the problem could get much worse. In the next 50 years, 3 billion people will join the human family. Most will live in areas that lack clean water.

Economies in the poorest regions of the world will be unable to develop unless good water systems are in place. Agriculture alone consumes anywhere from 70 to 90 percent of available water supplies. Manufacturing, likewise, is nearly impossible without clean water.

Just as important, unsafe water poses a clear security threat. Water basins do not follow national borders, and conflict over them will escalate as safe water becomes even scarcer. These conflicts may come to threaten our own national security.

Modest, pragmatic, clean water projects that yield real measurable benefits will make things better. While we would like to build First World water systems everywhere, we obviously have to acknowledge limits of time and resources.

Over the last several decades, the United States, the United Nations, Japan, and dozens of other nations and organizations have worked to bring the world clean water. Despite sincere efforts, we have not made enough progress. There is much more to be done. Access to clean water has even declined in some parts of the world.

Our experiences in Africa showed us the magnitude of the problem we face. They offer four important lessons about how we can improve access to clean water, to safe water, to healthy water around the globe.

First, any strategy must involve the entire community that it serves.

Local businesses, nonprofits, and individuals should own, maintain, and improve the water sources that serve them. Without adequate local support and local expertise, water systems will fall apart.

We should also promote cost-sharing with water users to create a sense of ownership. At the Tshalala well, for example, community members contribute 5 percent of the total cost toward maintenance.

Second, the U.S. and other developed nations must mobilize both public and private resources to confront this problem.

This may require legislative action. A strategy should leverage resources to increase our projects' scale and avoid duplication of effort. Private organizations can provide a vast reserve of humanitarian and hydrological expertise. We should work to build coalitions of governments, international organizations, water utilities, and other private enterprises, foundations, scientific institutions, and NGOs.

Third, education should play a key role in any strategy.

Simple hand washing, for example, prevents disease transmission. But a single set of dirty hands can contaminate an entire water source. This aspect is going to take more than simple outreach. Real hygiene improvements will happen only if people have access to adequate, reliable, convenient water resources.

Fourth, where appropriate, clean water should rank high among our health aid priorities.

The developed world spends billions on health aid. Health care professionals have long understood the strong connection between clean water, basic sanitation, and good health.

Last year, USAID spent less than $325 million for international drinking water supply and sanitation. Less than $20 million of this amount went to Africa—the very region that has the most severe water crisis. Clearly, these are inadequate sums.

Our large and worthy investment in the battle against HIV/AIDS in Africa and around the world cannot succeed without clean water; they are interrelated. And neither can our vision for a safer, healthier, and more prosperous world.

The people of the world need clean water to live. They deserve it. With our help and firm commitment, they can get it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

CONDOLEEZA RICE

Mr. FRIST. Mr. President, I come to the Senate floor to applaud President Bush on his nomination of Dr. Condoleezza Rice for Secretary of State. She is an outstanding choice, and the American people are fortunate to have a public servant of her talent and intellect.

During her tenure as National Security Advisor, Dr. Rice has been a steady and trusted confidant to the President. In her role of crafting policy and helping guide decision making, she has demonstrated extraordinary skill. But this should come as no surprise.

Dr. Rice is a woman of remarkable accomplishments. Throughout her life, she has applied her razor sharp mind and steely determination to reach the highest peaks of achievement.

Dr. Rice was born in 1954 in Birmingham, AL. By the age of 3 she was already a piano prodigy playing hymnals for her family. By age 5, she was playing beside her mother on the church organ bench.

At 19, Condoleezza earned her bachelors degree in political science cum laude, Phi Beta Kappa from the University of Denver and a year later, her Master's from Notre Dame. And at the young age of 26, having earned her Ph.D., Dr. Rice became an assistant professor at Stanford University.

A decade later, Dr. Rice was elevated to the post of Provost, essentially the chief operating officer of the University.

From 1989 to 1991, Dr. Rice served the first Bush administration as Director, and then senior Director, of Soviet and East European Affairs at the National Security Council.

During this time, Dr. Rice brought her considerable expertise in Eastern European affairs to the administration's handling of the collapse of the Berlin Wall, Germany's reunification, and the transition of the Soviet Union to the Russian Federation. This, combined with her years of foreign policy experience, particularly in the post 9/11 context, make her distinctly qualified to lead the Department of State.

As the President said in his announcement, we are a Nation at war. As Secretary of State, Dr. Rice will have the responsibility of advancing democracy and freedom across the globe, not only to protect us from attack, but to fulfill America's unique moral purpose.

Outlaw regimes must be confronted. Dangerous weapons proliferation must be stopped. Terrorist organizations must be destroyed. Dr. Rice has both the ability and experience, from fighting the Cold War to the War on Terror, to meet these daunting challenges.

Dr. Rice possesses a rare combination of management and administrative experience, public policy expertise, high academic scholarship, and not least importantly, a graciousness that will serve America's interests well. In these difficult and challenging times, America needs a leader of her caliber.

Dr. Rice has said that growing up, her father John, and her mother, Angelena, taught her that in a country where racial segregation and Jim Crow were an ugly fact of life, she had to be twice as good to get ahead. I think it is fair to say that she has surpassed this high charge.

Dr. Rice is an author, classically trained pianist, ice skater, and tennis player. She speaks Russian fluently and is an avid fan of football. We are grateful that she has set aside, at least for the moment, her ambition to become Commissioner of the National Football League.

A woman of deep faith in God, liberty, and freedom, Condoleezza Rice will protect and serve our national interests. I should also note that Dr. Rice would be the first African American woman to serve as Secretary of State.

I urge the Senate to give Dr. Rice their strong support. I hope and expect to see her confirmed swiftly so she can begin addressing the urgent threats and challenges that face our great Nation.

TRIBUTE TO RALPH BOLING

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Mr. Ralph Boling, a fine Kentuckian who passed away at the age of 76 on September 27, 2004.

Mr. Boling, a native of Hancock County, KY, dedicated his life to serving others. His service began with a stint in the U.S. Army. After protecting his country, he returned to his beloved Hancock County and served as an auctioneer, an oil-well driller, the Hancock County road foreman, and the superintendent of the Hawesville Water Works.

In 1970, Mr. Boling was elected sheriff of Hancock County. He served until 1973, was reelected to a second term in 1978, and served until 1981. By taking this post, Mr. Boling was continuing a family tradition: Both his father, Claude, and his mother, Leva, had previously served as Hancock County sheriff. President Ronald Reagan then appointed Mr. Boling to serve as the United States Marshal for the western Kentucky district, a post he held for 12 years.

Mr. Boling resigned as a U.S. Marshal to run for judge-executive of Hancock County. On November 2, 1993, he defeated the two-term incumbent with over 58 percent of the vote; he carried each of the county's eight precincts as well as absentee ballots. During his 5-year tenure, Mr. Boling worked tirelessly with people across party lines to put the community first. He successfully closed the county's landfill and pushed for the creation of the county's career center. Thanks to Mr. Boling, the Hancock County Career Center is a resource for job opportunities, worker training and continuing education today.

Mr. Boling's proud family tradition of public service continues with his granddaughter, LeAnn Crosby, who works as a field representative in my Bowling Green, KY, office.

His dedication to the Hancock County community went beyond a career choice. He was a member of Hancock Lodge No. 115 and served various positions in the organization. He was a member of the Fraternal Order of Police and was active within the Blackford Baptist Church. And one of his greatest passions was rooting for my alma mater, the University of Louisville basketball team.

Today I ask my colleagues to joining me in paying tribute to the life of Mr. Ralph Boling. He will be missed by his family, his friends and constituents in Hancock County, and the entire Commonwealth of Kentucky.

TRIBUTE TO TONY CRUISE

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Mr. Tony Cruise, the morning voice of WHAS radio in my hometown of Louisville, KY. His love of Louisville and his perseverance and dedication to WHAS is something to be commended. Tony and his family moved to Louisville in 1969. As a child, he fell in love with the city and the voices he heard on the local radio. While most members of the media community long for the ''big time'' of New York or Los Angeles, Tony's dream, since he was a young man, was to be the morning anchor for WHAS, home of such Kentucky radio giants as Van Vance and Wayne Perkey.

Tony received his first radio job at WWKY in Winchester as the Saturday afternoon disc jockey in 1980. His career almost ended after his first show. Fortunately for future WHAS listeners, Tony was a quick learner. He graduated from Eastern Kentucky University with a bachelor's degree in mass communications in 1982.

In 1992, there was a position available at WHAS. Tony wanted this position so badly that he waited outside the station for station manager Skip Essick to head home, so he could lobby for the position. His persistence paid off, when that October, Tony was hired. He hosted ''Sports Talk,'' a call-in show that mainly focused on the interstate feud of athletic prowess between my alma mater, the University of Louisville, and the University of Kentucky.

In May of this year, Tony realized his lifelong dream, when he was named the newest morning show host at WHAS. Unlike many radio personalities these days who love to offend, Tony is a decent, honest man who opens his heart to his listeners every morning. No wonder he is welcome in so many Kentucky homes, including mine.

Tony is a friend of mine and I have been privileged to be a guest on his show. It is a terrific program. The Louisville community agrees, as some 120,000 people tune in to ''The Cruiseman'' as he is known, every week. I enjoy and commend him for his excellent work.

I ask all my colleagues to join me in paying tribute to Mr. Tony Cruise for his outstanding contributions to the Louisville community.

TRIBUTE TO JAMES PATTERSON

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an upstanding and generous member of the Louisville, KY, community, Mr. James Patterson.

Born and raised in Louisville, Jim, as his friends call him, has always loved two things: his hometown, and baseball. He attended the University of

Louisville, also my alma mater, where he starred on the Cardinal baseball team and graduated in 1955 with a degree in marketing.

After graduating, Jim served a stint as a Captain in the United States Air Force and eventually returned to Louisville, which is also my hometown, where he embarked on a very successful business career as a restaurateur. Quite frankly, if you have ever eaten in Louisville, chances are you ate in one of Jim's restaurants. In 1959, he became a franchisee of Jerry's Restaurant. Ten years later he founded the Long John Silver's seafood restaurant chain. Under Jim's leadership, Long John Silver's rose to number one in the country, and today is the largest seafood restaurant chain in the world.

Jim helped found Chi-Chi's Mexican Restaurant, Rally's Hamburgers, and Western Restaurants. He has also founded the companies AmeriCall Services, Resource America and First Phone, worked with Gulfstream Petroleum, and currently owns Pattco LLC, a privately held investment vehicle.

Jim has always believed in sharing his success with the city he loves. In 1998, he founded School Choice Scholarships, a privately funded program that helps low-income families pay tuition for their elementary-aged children to attend private schools. School Choice Scholarships provide assistance for 650 Louisville youths, 250 of whom owe their scholarships to Jim personally.

Jim has finally combined his two loves, Louisville and baseball, by donating a very generous sum to enable the University of Louisville to begin construction on a new, $10-million baseball stadium, which broke ground this October 7. In their gratitude, the university has named the facility the Jim Patterson Stadium.

Today, I ask my colleagues in the Senate to join me in paying tribute to Jim Patterson for his passion, kindness, and charity. He is a valuable member of the Louisville community.

TRIBUTE TO JAMES C. RUSSELL

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to one of Kentucky's barons of bourbon, Master Distiller James ''Jimmy'' C. Russell. This year marks Jimmy's 50th year of service at the Wild Turkey Bourbon Distillery in Lawrenceburg, KY. Jimmy is so beloved at Wild Turkey, they named one of their finest products after him in 2000—the 10-year-old Russell's Reserve. I recently toured the Wild Turkey Bourbon Distillery, where Jimmy showed me the bourbon-making process personally. The bourbon distillery tradition in Kentucky dates back to 1789, and has been handed down through generations of Kentuckians. Bourbon is truly a Kentucky product—named, in fact, for Bourbon County, Kentucky. Ninety percent of all bourbon worldwide is made in the Bluegrass State, and one of the most famous brands is Wild Turkey.

Jimmy was born and raised just 5 miles from the Wild Turkey distillery, and both his grandfather and father worked there. Jimmy entered the family business in 1954 when he got his first job at the Lawrenceburg distillery. He mastered the craft under Mr. Bill Hughes, Wild Turkey's second Master Distiller, and Mr. Ernest W. Ripy Jr., the son of one of the original owners of Wild Turkey.

Jimmy is especially proud that the family tradition will continue, as his son, Eddie, has worked at the Wild Turkey distillery for the past twenty years.

Jimmy has become a legend in the distilled-spirits community over the last five decades. He is a director of the Kentucky Distillers Association, and spends time as a goodwill ambassador for Wild Turkey Bourbon. Throughout the Wild Turkey Bourbon Distillery, he is known as a ''master distillers' master distiller.''

Jimmy is a respected figure in his hometown of Lawrenceburg. He is a deacon at his local church and a supporter of Anderson County High School athletics. He also adores his wife of fifty years, Joretta, and their rose garden.

Today I ask my colleagues to join me in honoring and recognizing Mr. James C. Russell, Master Distiller, and his 50 years of loyal service to the Wild Turkey Bourbon Distillery and the Lawrenceburg, KY, community.

COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT ACT OF 2004

Mr. LEAHY. Mr. President, I am pleased that the House has voted to pass the Cooperative Research and Technology Enhancement Act, the CREATE Act of 2004, sending this important and needed legislation to the White House for the President's signature. This past March, I joined with Senator HATCH, Senator KOHL, and Senator FEINGOLD introducing the CREATE Act, which will provide a needed remedy to one aspect of our Nation's patent laws.

In 1980, Congress passed the Bayh-Dole Act, which encouraged private entities and not-for-profits such as universities to form collaborative partnerships that aid innovation. Prior to the enactment of this law, universities were issued fewer than 250 patents each year. Thanks to the Bayh-Dole Act, the number of patents universities have been issued in more recent years has surpassed 2,000—adding billions of dollars annually to the U.S. economy.

The CREATE Act corrects a provision in the Bayh-Dole Act which, when read literally, runs counter to the intent of that legislation. In 1997, the United States Court of Appeals for the Federal Circuit ruled, in Oddzon Products, Inc. v. Just Toys, Inc., that nonpublic information may in certain cases be considered ''prior art''—a standard which generally prevents an inventor from obtaining a patent. The Oddzon ruling was certainly sound law, but it was not sound public policy, and as a result some collaborative teams have been unable to receive patents for their work. As a consequence, there is a deterrent from forming this type of partnership, which has proved so beneficial to universities, the private sector, the American worker, and the U.S. economy.

Recognizing Congress' intended purpose in passing the Bayh-Dole Act, the Federal Circuit invited Congress to better conform the language of the act to the intent of the legislation. The CREATE Act does exactly that by ensuring that non-public information is not considered ''prior art'' when the information is used in a collaborative partnership under the Bayh-Dole Act. The bill that the House passed today also includes strict evidentiary burdens to ensure that the legislation is tailored narrowly so as only to achieve this goal that—although narrow—is vitally important.

I also wish to draw attention to Senator HATCH's statement of June 25, 2004, in which he explained some of the more complex issues surrounding the CREATE Act. I agree entirely with his comments, which I will prove useful for those seeking a background understanding of this legislation.

Again, I thank the House for moving to pass this legislation as the 108th Congress drew to a close, and I would also like to thank in particular Senator HATCH, Senator KOHL, Senator FEINGOLD, Senator GRASSLEY, and Senator SCHUMER for their hard work in gaining this bill's passage.

HONORING OUR ARMED FORCES

CORPORAL JARROD L. MAHER

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to a fellow Iowan, Marine Cpl Jarrod Maher, who gave his life for his country in Iraq, and to express my heartfelt sympathy to his family. A native of Imogene, IA, Corporal Maher was serving in the Baghdad suburb of Abu Ghraib as a member of the 1st Battalion, 4th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force stationed in Camp Pendleton, CA. Only 2 weeks after his graduation from Shenandoah High School, Maher became a marine. Corporal Maher is survived by his father and mother, Kevin and Jacque Maher, as well as numerous siblings.

Jarrod Maher will be missed by a great many people. His service and sacrifice represent Iowa at its best. In describing him, his father, Kevin Maher said, ''He loved being a Marine, but he also loved coming home. He loved the farm. He loved to help.'' In honor of Jarrod's spirit of selflessness, I ask my colleagues in the Senate and my fellow Americans to join me in paying respect to Marine Cpl Jarrod Maher.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Mr. KOHL. Mr. President, I express my support for the Individuals with Disabilities Education Act conference report that passed the Senate yesterday. It is not a perfect bill, but I believe it represents a fair balance of the concerns of schools and parents of children with disabilities. Above all, it upholds the rights of all children with disabilities to a free, appropriate education in our public schools. It promises them access to a high quality education to help them succeed and live productive lives. And it includes strong monitoring and enforcement provisions to ensure that that promise is kept.

The bill includes several improvements over current law that will help secure the rights of children with disabilities and uphold the rights of parents advocating for their children. First, it holds schools accountable for educating disabled students by giving the Secretary of Education the tools to monitor how well States and schools are complying with the law and sanctioning those that fail to serve disabled students. It provides flexibility and resources for early intervention and preschool services for younger children, and promotes transition services for older students in order to prepare for their post-school years. It preserves the Individualized Education Programs to ensure that parents have quarterly reports of their child's progress and short-term objectives for those with the most severe disabilities. It provides for more teacher training and strengthens teacher quality requirements so that students are taught by highly qualified teachers. It also adds options for parents and schools to work together to resolve disputes, but preserves the right to due process if a school is out of compliance.

At the same time, this bill also responds to many of the concerns raised by schools and teachers. It provides relief from unnecessary and burdensome paperwork so that teachers can focus their attention on educational services. It provides more opportunities to resolve conflicts and disagreements other than through costly and acrimonious litigation. And it provides more resources for professional development so teachers are equipped to deal with the often complex but critical needs of students with disabilities.

This bill also addresses the serious issue of discipline—an issue that has caused many concerns over the years by both education officials and parents of children with disabilities. The bill includes a bipartisan compromise that clarifies and strengthens discipline provisions so that schools can remove children who pose a serious danger to themselves or others to an alternative setting, while ensuring that those children continue to receive services. At the same time, this compromise protects the rights of disabled children in disciplinary action by preserving the manifestation determination so that children are not punished for behavior caused by their disability, and continuing services if a child is placed in an alternative setting. I know that some parents are worried about these revised discipline provisions and would prefer current law. I agree that we must continue to monitor these provisions carefully to ensure they are implemented fairly and with the best interests of disabled children in mind.

Despite these positive features, I am very disappointed that this bill does not move us any closer to fully funding IDEA. When IDEA was first enacted in 1975, Congress made a commitment to fund 40 percent of the costs, in recognition of the added expenses schools would incur in serving disabled students. Today, the Federal Government is funding IDEA at the highest levels since it was created—but sadly, that funding only covers approximately 19 percent of the costs. I have cosponsored and supported legislation that would require mandatory full funding for IDEA, and as a member of the Appropriations Committee, I will continue to fight for full funding of IDEA. It is past time for the Federal Government to live up to its obligations.

The conference report is not a perfect bill. Clearly, there are provisions that will trouble both sides—both the educational community and the families of disabled children. But on balance, I think the bill represents a real compromise and has great potential to lead to improved educational services for children with disabilities. It attempts to create a balanced approach that recognizes the challenges faced by teachers and schools, while still ensuring that all children with disabilities have access to the highest quality education. I will continue to work to fully fund its provisions so that the promises it makes will become a reality. This bill is worthy of the Senate's support and I urge my colleagues to vote for it.

BOEING 767 TANKER LEASE

Mr. MCCAIN. Mr. President, yesterday I spoke on the Senate floor regarding the investigation into the Air Force proposal to acquire Boeing 767 aerial refueling tankers. During my 45 minute remarks, I had made reference to certain letters, press articles and e-mails I ask unanimous consent that that material at a cost of $3,200.00 be printed in the RECORD of today's proceedings.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Dec. 2, 2003.

Hon. PAUL WOLFOWITZ,
Deputy Secretary of Defense,
Washington, DC.

DEAR SECRETARY WOLFOWITZ: I commend the Secretary of Defense and yourself for the prompt actions you have taken regarding the Air Force's tanker aircraft program, in light of recent extraordinary personnel actions taken by the Boeing Company. Your decision to require a ''pause'' in the execution of any contracts to lease and purchase tanker aircraft is a prudent management step.

Further, I concur in your judgment to task the Department of Defense Inspector General, DOD–IG, to conduct an independent assessment. However, I believe that the DOD–IG assessment should go further than the review described ion your letter of December 1, 2003. The DOD–IG inquiry should pursue the trail of evidence wherever it leads, in accordance with standard IG procedures. This inquiry should examine the actions of all members of the Department of Defense and the Department of the Air Force, both military and civilian, top to bottom, who participated in structuring and negotiating the proposed tanker lease contract which was submitted to the Congress in July 2003.

Your recent actions clearly indicate that there are many outstanding questions that must be answered before proceeding with this program. I expect that you will consult further with the Congress as you receive the report of the DOD–IG and that no actions will be taken with respect to the lease and purchase of KC–767 tanker aircraft until the Congress has had an opportunity to review the DOD–IG report. Ultimately, this program, as restructured, must be executed in a manner that is fully consistent with Section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

With kind regards, I am

Sincerely,

JOHN WARNER,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Nov. 19, 2004.

Hon. DONALD H. RUMSFELD,
Secretary of Defense,
Washington, DC.

DEAR MR. SECRETARY: On December 2, 2003, Chairman Warner wrote to Deputy Secretary Wolfowitz to request that the Department of Defense Inspector General (DOD IG) conduct a thorough investigation of the KC–767A tanker aircraft program. According to Chairman Warner's letter ''this inquiry should examine the actions of all members of the Department of Defense (DOD) and the Department of the Air Force, both military and civilian, top to bottom, who participated in structuring and negotiating the proposed tanker lease contract which was submitted to the Congress in July 2003.'' A copy of that letter is attached.

It was our understanding that the requested DOD IG review would assess not only individual responsibility for any allegations of criminal violations of law; but, equally important, individual accountability for management decisions and executive oversight. In essence, the Senate Committee on Armed Services, in order to conduct its necessary legislative oversight of the Department of Defense, needs to know what happened, who was accountable and what actions must be taken to prevent this situation from happening again.

It is astonishing to us that one individual could have so freely perpetrated, for such an extended period, this unprecedented series of fraudulent decisions and other actions that were not in the best interest of the Department of Defense.

We recently found out that no such managerial accountability review has been undertaken by the DOD IG. Rather, the DOD IG limited his review to determining whether there was evidence to press criminal charges. We are deeply concerned by this development. Given the Chairman's letter, why was a decision made not to do this work?

Congressional oversight of the proposed contract to lease 100 KC–767A tanker aircraft, a contract which is now prohibited by section 133 of the National Defense Authorization Act for Fiscal Year 2005, uncovered the most significant defense procurement scandal since the Ill Wind bribery and fraud

cases of the 1980s. It is imperative that the Department take actions to hold those responsible accountable. Otherwise, the fallout from this Air Force procurement scandal will have disastrous effects on the integrity of the acquisition system.

In our view, an assessment of accountability should include a review of all members of the Department of Defense and the Department of the Air Force, both military and civilian, who participated in structuring and negotiating the proposed tanker lease contract. Most importantly, this should include Secretary of the Air Force Jim Roche, and Assistant Secretary of the Air Force Marvin Sambur. We reiterate the Committee's request that the DOD IG immediately initiate such an accountability review.

Again, we do not understand how one individual could have amassed so much power that she was able to perpetuate such fraud against the federal government and other actions that were not in the best interest of the Department of Defense. Where was the oversight? Where were the checks and balances? At a minimum, the acquisition chain of the Air Force, and perhaps DOD, was woefully inadequate. The fact that no Departmental review of these questions has been conducted raises significant accountability and oversight questions that go far beyond this one case. We trust you will endeavor to rectify the situation and hold those who are responsible accountable.

Sincerely,

CARL LEVIN,
Ranking Member.
JOHN MCCAIN,
U.S. Senator.
JOHN WARNER,
Chairman.

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, Nov. 19, 2004.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the Department soon will complete the analysis of alternatives (AoA) for recapitalization of the KC–135 tanker aircraft fleet, and that portion of a broader mobility capability study (MCS) related to aerial refueling. Based upon the recommendations of the Defense Science Board, I accelerated, to November of this year, the schedule for completion of these initiatives. The AoA and MCS will be critical to our development of a plan to recapitalize the tanker fleet, and to provide adequate aerial-refueling capabilities for military aircraft over the long term.

In structuring the AoA and MCS, we recognized that we should base the recapitalization of the fleet on a thorough and careful assessment of the ways in which we might perform the aerial-refueling mission. To ensure that we consider all viable solutions, the AoA addresses a wide range of alternatives, from the retention and re-engineering of KC–135E aircraft to the development of a new military tanker aircraft.

Let me be clear: After we have selected an appropriate alternative, we intend to require competition. No matter which alternative we choose, leasing is not an option without new congressional authority.

Sincerely,

PAUL WOLFOWITZ.

[From the Defense News, Nov. 3, 2003]

FULL DISCLOSURE

In March, Defense News published a commentary by Adm. Archie Clemins, former commander in chief of the U.S. Pacific Fleet. In it, he advocated a U.S. Air Force plan to lease 100 planes from Boeing Co., which would modify the 767s for the Air Force's aerial refueling mission. That a Navy man would back an Air Force program is what made it intriguing.

What we didn't know at the time was that Clemins did not write the piece. Nor did he think on his own to write it. Nor, for that matter, did he even think to send it to Navy Times, a sister publication, without prompting.

In truth, a Boeing representative came up with the idea, asked Clemins to write it, and provided a writer to help get the job done. Boeing also suggested where he ought to send it and provided him the e-mail address.

Clemins says he was not paid for the article and stands by what it says. We believe that.

But he acknowledged that prior to writing the article, he had done some paid consulting work for Boeing, and that he has since developed a more formal consulting arrangement with the company. He said he made no effort to ''pull the wool over anyone's eyes.''

In publishing the piece, regardless of who actually wrote it, we provided a forum for the free flow of ideas. That is the purpose of our Commentary pages.

But we failed to do some things we should have done. We should have asked Clemins if he had a financial relationship with the program or the contractor. We should have asked if he had, in fact, written the article himself. And we should have weighed his answers in our thinking, because that information is essential to the context of his article.

Had we known those things, we might still have published his opinion. But we would have included the other writer's name and noted Clemins' relationship with Boeing among his credentials at the end of the article. As it was, we merely noted that he was the former commander of the Pacific Fleet—true, but not the whole story.

Full disclosure is what we're after. Here, we fell short. We will work hard to ensure this doesn't happen again.

[From the Seattle Times, Nov. 18, 2004]

LOCKHEED ALLEGATIONS FOCUS ON BOEING'S CHIEF EXEC

Lockheed Martin has introduced evidence in a civil lawsuit that allegedly demonstrates Boeing Chief Executive Harry Stonecipher knew former Air Force acquisitions officer Darleen Druyun gave Boeing preferential treatment in the award of billions of dollars of Defense Department contracts before she joined the company last year.

Additionally, Lockheed introduced evidence it says shows Stonecipher and James Albaugh, chief executive of Boeing's Integrated Defense Systems unit, attended a September 1998 meeting with Druyun and Air Force Col. Richard McKinney in which Boeing allegedly received details of a confidential Lockheed proposal to provide rocket launches to the Air Force.

Druyun received a nine-month prison sentence last month for holding job talks with Boeing while still overseeing Boeing business at the Air Force. She further admitted to awarding more than $5 billion of Defense Department contracts to Boeing in exchange for jobs for her daughter, her son-in-law and herself.

Boeing and Stonecipher have been adamant that if Druyun showed the company any favoritism, Boeing was not aware of it.

''The statements Ms. Druyun made in her sentencing papers came as a total surprise,'' Boeing said last month.

However, Lockheed said in a court filing last week that it has ''an e-mail written by Mr. Stonecipher admitting that Darleen Druyun had favored Boeing in the past.''

It is not clear from the filing when the e-mail was written. The e-mail itself was placed under seal by the court.

Lockheed and Boeing officials could not be reached for comment.

Lockheed is pursuing a civil racketeering lawsuit against Boeing in Orlando, Fla., that accuses Boeing of using 40,000 pages of stolen Lockheed documents to gain an unfair advantage in a multibillion-dollar competition to provide satellite launches to the Air Force.

Druyun was not tied to that case originally. But after her guilty plea last month, Lockheed sought Boeing e-mails and other documents showing contacts between Boeing and Druyun concerning both the rocket competition and several other contracts she awarded to Boeing rather than Lockheed.

In October 1998, the Air Force awarded 19 launches to Boeing and seven to Lockheed.

The Air Force cited Boeing's lower price-per-launch as a major reason for giving Boeing so many launches.

Lockheed said in last week's court filing that handwritten notes of the September, 1998 meeting between Stonecipher, Albaugh, Druyun, McKinney and other Air Force officials suggest Boeing also received unfair treatment in the award of those launches by receiving confidential Lockheed pricing data.

''The fact that high-level Boeing officials discussed their proposal strategy and Lockheed Martin's pricing with Ms. Druyun shortly before the final (rocket) proposal submission is damning,'' Lockheed said.

The meeting notes, taken by David Schweikle, project manager for Boeing's Delta IV rocket program, were, like the Stonecipher e-mail, placed under seal.

U.S. Magistrate Judge Karla Spaulding last week agreed to let Lockheed lawyers question a Boeing representative about communications with Druyun on six contract competitions, including the rocket-launch contract.

''It may lead to admissible evidence about whether Boeing had improperly acquired proprietary information of Lockheed and others that it discussed with Druyun,'' the judge wrote.

Boeing lawyers objected to the judge's order, and a hearing was set for next month to resolve the objections.

The Boeing attorneys, in court filings, said Lockheed's request for information on Druyun is too broad, has nothing to do with the case and is an attempt by Lockheed Martin to concoct new complaints against Boeing.

CHIEF WEAPONS BUYER FOR AIR FORCE QUITS

WASHINGTON—The Air Force's chief weapons buyer said yesterday he is resigning to help clear the way for promotions bottled up in Congress over a stalled $23.5 billion plan to acquire Boeing 767 tanker aircraft.

Marvin Sambur said he had resigned as assistant Air Force secretary for acquisition effective Jan. 20, or sooner should President Bush's next choice for the job be confirmed before then.

''It's becoming pretty apparent that if I stayed it would be very difficult for the Air Force to have anybody confirmed,'' Sambur said in a telephone interview.

On Tuesday, Air Force Secretary James Roche resigned in a move aides said was also designed to free up nominations of officers whose Senate confirmations were held up by Armed Services Committee member John McCain, R-Ariz.

McCain had blocked a range of promotions over the Air Force proposal to acquire 100 Boeing 767 aerial tankers, which he slammed as a government handout to Boeing.

Sambur was once the boss of Darleen Druyun, who admitted improperly steering billions of dollars of Air Force contracts to Boeing before joining the company as a

$250,000-a-year vice president in January 2003.

A former president and chief executive of ITT Defense, Sambur oversees the Air Force's $37 billion procurement budget.

[The Wall Street Journal, Sept. 3, 2003]

JOHN MCCAIN'S FLYING CIRCUS

No one denies that the U.S. Air Force needs more refueling tankers. The only questions are how and when to get them. Senator John McCain calls the Pentagon's answer, a leasing arrangement with Boeing, an unsavory example of the modern ''military-industrial complex,'' a mistaken argument he will no doubt pursue today at hearings before his Commerce Committee. It's hard to overestimate the importance of these flying gas stations. Long-range bombers make it to their targets only because they can refuel in the air. It was our tankers that enabled coalition aircraft to circle high above Iraq's battlefields for hours, providing ground troops with the capability to call in immediate, precision air strikes on emerging targets. ''Our tanker force is what makes us a global power'' is the way the Air Force chief of staff, General John Jumper, puts it.

Yet for all that power, America's tanker fleet is in sad shape because the tankers are simply too old to keep flying. The Pentagon is hoping to remedy this quickly by leasing the tankers from Boeing, and three of the four relevant committees in Congress have given their approval to the contract. The fourth—the Senate Armed Services Committee—will hold hearings tomorrow. Senator McCain's Commerce hearings today are his way of trying to preempt approval by running up his own Jolly Roger.

Let's hope he doesn't draw the fight out too long. The average tanker is now more than 43 years old. During a visit last year to Oklahoma's Tinker Air Base, then-Air Force Secretary James Roche realized the urgency of the problem when he peeled back the skin of a tanker being refurbished and found the metal underneath disintegrating.

Age isn't the only problem. Not only will the new Boeing 767s be able to refuel all planes in the military's inventory—unlike the existing KC 135E's—they carry up to 20% more fuel and three times the cargo. And the leasing arrangement used to get them to the Air Force is similar to the way foreign militaries buy planes, selecting off-the-shelf technology and then signing a contract for rapid delivery. This is how Israel and Singapore get the latest F–16s five years before the U.S. Air Force.

We're as opposed to sweetheart deals as anyone. But it seems to have escaped Senator McCain's notice that Boeing's main competitor here, the European consortium that produces Airbus, virtually defines corporate welfare. And so far as we can tell, the e-mails between Boeing, the Pentagon and the Air Force released by his committee last week seem to show only that Boeing was lobbying hard for a multibillion-dollar deal (surprise!) and that cost was a big concern.

In short, the real issue the Senate Armed Services Committee needs to zero in on here isn't just overall lifetime cost but value for money. The Air Force needs tankers now, and the leasing arrangement was deemed the way to get tankers into its hands most expeditiously, not least because it bypasses procurement procedures that could stretch out a buying decision for years.

Senator McCain and other critics like to talk about what he says are the billions more that a leasing deal will cost over buying these birds outright. Leaving aside the huge dispute over the price tag, let's hope the Armed Services Committee considers the costs our military might incur by not getting these tankers as soon as possible.

USAF E-MAILS ON BOEING 767 TANKER LEASE PROPOSAL

ORIGINATOR, DATE, SUBJECT

Roche, August 07, 2002, FW: Crosby Finds a Home at EADS; Bodie, Sept 04, 2002, Re: Fw: Defense Week Daily Update: EADS: Our Tanker Offer Cost Less Than Boeing's; Druyun, Sept 05, 2002, Our friend; Hodges, June 20, 2003, FW: KC–767 ''Savings'' for comment & Courtesy Copy of Memo; Wynne, June 23, 2003, Tankers; Weaver, May 7, 2003, 767 Lease; Druyun, Oct 9, 2002, Tanker Leasing; Calbis, Nov 7, 2001, CBO has questions about your scoring of the tankers; Roche, Friday, November 28, 2003, RE: Tankers; Roche, August 8, 2002, Re: hello?

Albaugh, Wednesday, September 18, 2002 8:03 PM, RE: Marvin Sambur; Ellis, Tuesday, December 17, 2002 9:36 PM, notes from jim Albaugh's meetings; Albaugh, Monday, June 23, 2003 3:00 PM, FW: Roche mtg 23 Jun 03; Wynne, Tuesday, July 08, 2003, Re: 767 and DepSecDef; Roche, Wednesday, April 16, 2003, RE: Tankers; Roche, Nov 19, 2002, 767 Lease; Roche, Monday, December 17, 2001 7:24pm, Re: 767 Leasing; Jumper, Tuesday, February 25, 2003 8:58pm, Re: Offsets for tanker lease; Wynne, Wednesday, June 25, 2003, RE: OSD(C) AND 767 LEASE; Lemkin, June 25, 2003, OSD(C) and 767 Lease.

Roche, Tuesday, July 08, 2003 9:44 pm, Re: Footnote; Roche, Tuesday, July 08, 2003, Lease; Roche, Wednesday, September 03, 2003, Re: Ken Kreig ltr; Wynne, Wednesday, July 09, 2003, RE: FW: Footnote; Cleveland, 15 May 2003, 1913, Re: Interview at NG; Jumper, June 22, 2002, RE: CNBC Interview—Tanker Recapitalization; Sambur, June 17, 2003, FW: USAF Green Aircraft Pricing; Sambur, October 10, 2002, RE: Tanker Leasing; Essex, August 03, 2002, FW: Potential OMB Problems with 767 Lease; Sambur, October 21, 2002, 767 meeting with OMB.

Sambur, September 11, 2002, 767 Tanker justification; Sambur, July 25, 2003, Re: SASC Tanker Lease Hearing; Sambur, November 19, 2003, FW: Tankers; Zakheim, November 25, 2002, RE: KC–767 Lease Delay; Wynne, July 08, 2003, RE: Footnote; Walker, August 21, 2003, Re: Revised OMB Circular A–11; Sambur, November 21, 2003, FW: 767 Update; Walker, Nov. 26, 2002, More Updates from GC; Wynne, June 24, 2003, Meeting; Wynne, July 17, 2003, Good Luck.

Wynne, November 01, 2003, RE: Two Issues—Tankers and Ship Funding; Burkhardt & Associates, May 3, 2002, WSJ; Roche, May 14, 2002, RE: Call from Boeing; Bodie, April 25, 2002, RE: US News; Roche, December 13, 2001, Fw: 767 lease; Roche, December 13, 2001, RE: Several items; Roche, March 30, 2002, RE: Tanker story; Custer, March 30, 2002, NDAA; Jumper, April 9, 2002, RE: Tanker Article; Roche, April 28, 2003, RE:.

Bodie, January 2, 2002, RE: Dear Bob; Aldridge, May 16, 2003, RE: Boeing; Roche, May 13, 2001, RE: 767 lease; Bodie, Friday, June 21, 2002 11:26 AM, RE: CNBC Interview—Tanker Recapitalization; Druyun, Wednesday, October 09, 2002 8:17 AM, OSD BRIEF TO LEASING WORK GROUP; Wynne, Tuesday, Jul 08, 2003, Re: FW: Footnote; Sambur, Tuesday, July 08, 2003 9:58 PM, Fw: Tanker Leasing Report to the Congress; Sambur, Tuesday, August 26, 2003 7:59 AM, $2B Issue with PA&E; Aldridge, Monday, November, 04, 2002 1:22 PM, Tankers and B–52's; Spruill, Tuesday, November 12, 2002 9:22 PM, RE: Tanker Leasing.

Some of the following records are transcriptions made by Senate staff of original documents provided by the Department of Defense.

USAF E-MAILS ON BOEING 767 TANKER LEASE PROPOSAL

From: James Roche
To: William Bodie
Date: August 07, 2002
Subject: FW: Crosby Finds a Home at EADS

Well, well. We will have fun with Airbus!

Jim.

From: Miriam Thorin
To: James Roche
Date: August 07, 2002
Subject: FW: Crosby Finds a Home at EADS

Paris.—European Aeronautic Defense & Space Co. NV (N. EAD) said Wednesday that it has appointed Ralph Crosby to head its North American operation. Until January, Crosby was president of Northrop Grumman's Integrated Systems division, EADS said in a statement.

''As our senior official in the U.S., (Crosby) will oversee our efforts to expand our business, develop industrial partnerships, and ensure strong customer relationships in this critical market,'' EADS said.

Crosby will assume his position on Sept. 1. Manfred von Nordheim, EADS's current top representative in the U.S., will continue to work as a senior adviser, the company said.

Cordially,

Alex.

From: Bill Bodie
To: James Roche
Date: Sept 04, 2002
Subj: Re: Fw: Defense Week Daily Update: EADS: Our Tanker Offer Cost Less Than Boeing's

We don't have to turn the other cheek, you know. I'm ready to tell the truth about Airbus's boom, footprint, and financial shortcoming. But maybe we should sleep on it.

W.C. BODIE,
Special Asst. to the Secretary and Director, Air Force Communications.

From: James Roche
To: Bill Bodie
Date: Sept 04, 2002
Subj: Re: Fw: Defense Week Daily Update: EADS: Our Tanker Offer Cost Less Than Boeing's

Importance: High

No, Sir, save it and blow him away. He admits that they were not technically qualified! And, we keep their record of bribes as our trump card! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Darleen Druyun
To: James Roche
Date: Sept 05, 2002
Subj: Our friend

I read with disgust the article on Airbus tankers from the new EADS CEO of North America. What BS . . . should not have been surprised at the slime . . . his day of reckoning will come hopefully.

From: James Roche
Date: Sept 05, 2002
Subj: Re: Our friend

Oy. I agree. I had hoped you would have stayed and tortured him slowly over the next few years until EADS got rid of him! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Williams Hodges
To: Marvin Sambur
CC: John Corley; Mark Murphy; Mark Beierle; Stephen Gray; James T. Rivard; Cheryl Allen; Nancy Lively; Allan Haenisch
Date: 6/20/2003
Subj: FW: KC–767 ''Savings'' for comment & Courtesy Copy of Memo

DR. SAMBUR: I received a call from Dave Trybula, who works for Rick Burke in

PA&E. HE stated he had just delivered a memo to Dr. Roche's office. I asked him if he could share what they had sent and he attached the memo in two files, below.

This was a total surprise and not ever mentioned in any of our discussions with Dr. Spruill or Dr. Schroeder. It appears that they have simply listed all their positions on the report and none of the accommodations reach with the leasing working group. Apparently, they no longer want to be part of the process.

I propose that we provide you with an email containing our counterpoints on their assertions, followed by a proposed response from Dr. Roche back to PA&E.

VR,

Wayne.

From: Marvin Sambur
To: James Roche
Date: June 20, 2003
Subj: FW: KC–767 ''Savings'' for comment & Courtesy Copy of Memo

BOSS: This is getting ridiculous!!!!

Marv.

From: James Roche
To: Michael Wynne
CC: Marvin Sambur
Date: June 22, 2003
Subj: FW: KC–767 ''Savings'' for comment & Courtesy copy of memo

MIKE: Ever since Pete left, the bureaucrats who opposed the 767 lease have come out of the woodwork to try to kill it-yet, once again. Mike, I won't sign a letter that makes the case that we shouldn't lease the planes. Ken Krieg's memo attached is a cheap shot, and I'm sure has already been delivered to the enemies of the lease on the Hill. It was a process foul. And Ken needs to be made aware of that BY YOU!

I can't control the corporate staff on acquisition issues. Mike, this is their way of asserting dominance over you. I know this sounds wild, but animals are animals. Pete had beaten them down. Now, they are taking you on. I'm sorry. Expecting professional behavior from them is something I gave up on a while back. Among other things, they are about to cause us to embarrass SecDef, who having approved the lease, will now have to explain why his staff is destroying the case for it. I'll do whatever I can to help you, Mike, but it's your job to get the corporate staff under control. If not now, then they will overrun you whenever you ''don't behave'' according to their desires. This is the same game they have played for years. They and OMB are trying to set the Air Force up to be destroyed by Sen McCain WITH OSD AND OMB ARGUMENTS. As you might imagine, I won't give them the chance, but I will make it clear who is responsible to Don. I refuse to wear my flack jacket backwards!

Sorry, Shipmate. Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Michael Wynne
To: James Roche
CC: Marvin Sambur
Date: June 23, 2003
Subj: RE: KC–767 ''Savings'' For comment & Courtesy Copy of Memo

JIM: Thanks for your note—I see this as an OSD discipline problem myself. I will be taking it to the Secretary as well—better he hear it from two sources.

Mike.

From: Michael Wynne
To: Ken Krieg, PA&E
Date: June 23, 2003
Subj: Tankers

KEN: If the purpose of your note is to run acquisition from PA&E, we have a problem that needs immediate resolution. I have plenty of problems, but being 'fragged' didn't seem to be one of them, now I worry. If the SecDef wants to kill this he will, so far not—your note was not helpful to either one of us. I will continue to make decisions that have the potential for successful execution of the lease unless SecDef waves me off.

Best Regards,

Mike.

From: Ken Krieg, PA&E
To: Michael Wynne
Date: June 23, 2003
Subj: RE: Tankers

MIKE: That's not what I intended and I may have used the wrong instrument to communicate my concerns. I just want to get together with you and Jim to make sure you understand what we are worried about. That's why I asked for us to get together this afternoon.

KJK.

From: Ken Krieg, PA&E
To: James Roche
Date: June 23, 2003
Subj: FW: tankers

JIM: Understand from Doc that you are as mad as Mike. I am not trying to walk back anything. I am trying to get the strategy to drive the deal; the deal and contract to set the numbers; the numbers to be reopened in the report without a lot of hype.

Probably should have called you but I will explain later.

Want to get together with you and Mike to clear air.

KJK.

KEN KRIEG,
Director, Program Analysis & Evaluation and Executive Secretary, Senior Executive Council.

From: James Roche
To: Ken Krieg, PA&E
Date: June 23, 2003
Subj: RE: Tankers

Kenny, I love you, and you know that. I think you have been had by some members of the famous PA&E staff. You never should have put what you put in writing. It will now be used against me and Don Rumsfeld.

Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Paul Weaver
To: James Roche
Date: May 7, 2003
Subj: 767 Lease

MR. SECRETARY: Rudy just called me and said that Marv Sambur was getting beat up by Mike Wynn again concerning the $125M dollar number per aircraft. Rudy would like to know if he needs to do anything like calling in the big guns to help out. I told him I would query you to get your advice.

GOD BLESS,

Paul.

From: Jim Roche
To: Paul Weaver
Date: May 07, 2003
Subj: Re: 767 lease

It's time for the big guns to quash Wynne! Boeing won't accept such a dumb contract form and price, and Wynne needs to ''pay'' the appropriate price! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Darleen Druyun
To: James Roche; Marvin Sambur
Date: Oct 9, 2002
Subject: Tanker Leasing

I would like to informally brief Bill Schneider on tanker leasing when he gets back from Germany. I had briefed him during the transition about the idea of leasing as a viable acquisition alternative. He has apparently had a positive conversation with Wolfowitz on leasing and is interested in quietly helping us. If you give a nod we will use the same charts we used to brief Gingrich which was very positively received by him.

From: James Roche
To: Darleen Druyun
Date: Oct 9, 2002
Subject: Re: Tanker leasing

Please do. Thanks much. Jim.

Dr. James G. Roche.

From: Philip T. Calbis (OMB)
To: John McClelland, Rob Goldberg
Date: Nov 7, 2001
Subj: CBO has questions about your scoring of the tankers.

John-Joanne Vines from CBO called with questions about your scoring of the tankers. Specifically how did you get to the 18 billion? Her analysis shows the NPV closer to $20 billion.

I called her back after talking it over with Rob and found out that she had a copy of your spreadsheet from the Senate budget committee folks. She was meeting with Boeing and the AF this afternoon. I asked her not to share your table with them (she said no problem because she wasn't ready to share her numbers with them either).

She would like for you to call her tomorrow at 202–226–5707. Apparently, the Senate budget committee is pressuring her to see things the AF way so Conrad can do Stevens a favor. So, talk it over with Rob and give her a call right back.

From: Jim Roche
To: Robin Cleveland
Sent: 9 May 2003 1712
Subj: Peter Cleveland Resume & Cover letter attached for export

Be well. Smile. Give tankers now (Oops, did I say that? My new deal is terrific.) :) Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Jim Roche
To: Stephen Dyslas Northrup Grumman
Sent: 9 May 2003 1620
Subj: Peter Cleveland Resume and cover letter attached for export/import compliance attorney (DC) position–021495

STEVE: I know this guy. He is good. His sister (Robin) is in charge of defense and intel at OMB. We used to work together in Senate staff. If Peter Cleveland looks good to you, PLS add my endorsement. Be well. I've let Rummy con me one more time! Army! Best to Alice.

Jim.

From: Robin Cleveland
To: Jim Roche
Sent: 9 May 2003 1549
Subj: Peter Cleveland resume and cover letter/Import compliance attorney (DC) position–02 1495

JIM: This is my brother's stuff. I would appreciate anything you can do to help with NG. He is an incredibly hard working, disciplined guy—worked full time with two little kids putting himself through law school at night. I would be grateful. Thanks very much, Robin.

From: Robin Cleveland
To: Peter Cleveland
Sent: 15 May 2003 1913
Subj: Re: Interview at NG

Great hope it works before the tanker leasing issue get fouled up.

From: James Roche SAF/OS
To: Peter Teets Civ SAF/US
Date: Friday, November 28, 2003
Subj: RE: Tankers

Thanks, Pete. We can discuss on Monday.

Jim.

From: Peter Teets SAF/US
To: James Roche SAF/OS
Date: 11/27/2003
Subj: Tankers

JIM: I think it is important for you to know all I know about the situation surrounding the tankers. I sat in for you at the SecDef staff meeting last Tuesday. As we went around the table, Joe Schmitz (IG) mentioned the Boeing dismissal of Sears and Druyun. The SecDef then asked if in light of that should we take a second look at her involvement in any tanker lease related matters in order to deflect possible criticism from the SASC and unfavorable publicity. I said I thought that was a good idea, and that we (the Air Force) would do so. No further discussion on the subject occurred at the staff meeting. After the staff meeting I scheduled short separate meetings with Marv Sambur and Mary Walker for Tuesday afternoon following my return from a meeting at CIA. When I returned, I learned that Marv could not meet with me at the scheduled time because he was in Mike Wynne's office discussing Darlene's involvement with tankers. I then met with Mary and asked her to think through the Darlene situation, plus another matter regarding proper packaging of material on the AFA situation that Schmitz had said was required to be delivered to the SASC. Late Tuesday afternoon I then talked to Marv Sambur and got his assurance that a thorough review of the Darlene situation had been completed and that there was no way Darlene had any influence on our current plan for tankers. Furthermore, Marv said that a letter had been prepared for the DepSecDef to send over to the SASC indicating same, and notifying them of our intent to proceed. At that point, I thought the issue was resolved. On Wednesday morning I read the Wash Post article quoting Sec Rumsfeld as saying he had asked his staff to do a review of the tanker deal. I sent Marv and e-mail offering any help I could provide, and he responded with thanks, but it was clear that this situation had once again gotten out of control. I am sorry to report the news to you, but felt you needed the whole story as it unfolded.

Best Regards,

Pete.

From: Wynne, Michael Mr. OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Tuesday, July 08, 2003
Subj: Re: 767 and DepSecDef

JIM: I am hoping this is about unity of command. Negotiations with OMB are down to a footnote. I've sent a stand-off note to Sen McCain and offered a meeting. Everyone's nervous as Boss testifies to SASC tomorrow.

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael, Mr. OSD–ATL
Date: Tuesday, July 08, 2003
Subj: 767 and DepSecDef

Good friend and fellow prisoner of the Corporate Staff, please keep in mind, and do tell Paul, that neither you nor I will sign a stupid letter to the Congress regarding the KC–767's. Last time I checked, you have an IQ greater than room temperature—and, so do I. PA&E and OMB can kill the deal and make Pete Aldridge and Don Rumsfeld look like dopes. But, we shouldn't help them!

As you can tell, I finally got some time on my boat, and am feeling like my hero, Bull Halsey: Strike Fast, Strike Hard, Strike Often! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael Mr. OSD–ATL
Date: Wednesday, April 16, 2003
Subj: Re: Tankers

Sounds good, Mike. Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Wynne, Michael Mr OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Wed Apr 16, 2003
Subj: Re: Tankers

JIM: Thanks for the input—Ralph was in to see me a few weeks ago, to touch base. I think I will keep this in that same vein; about if there is anything EADS can do over the near future to keep their long term prospects open. Cancelling would not be as soft.

Mike.

From: Roche, James Dr SAF/OS
To: Wynne, Michael Mr. OSD–ATL
Date: Wednesday, April 16, 2003
Subj: Re: Tankers

MIKE: One more thing that I forgot to pass to you on the phone: Don is rarely pissed at the French. Neither you nor I can attend the Paris Air Show, we are getting into a possible flap over inviting the Chief of the FAF to a gathering next September, and you are inviting them in for lunch? Hello? Within minutes of the invite, Crosby most likely used your call to butter this personal croissant in Paris, and EADS would then inform the Que d'Orsay in seconds. Be careful! Maybe you should consider postponing your lunch . . . Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Wynne, Michael Mr OSD–ATL
To: Roche, James Dr SAF/OS; Sambur, Marvin Dr SAF/AQ
CC: Aldridge, Pete Hon. OSD–ATL
Date: Wed Apr 16, 2003
Subject: Re: Tankers

JIM: I have not told Ralph of the meeting's purpose, as I wanted your feedback. But where will the competition come from?

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael, Mr. OSD–ATL; Sambur, Marvin Dr. SAF/AQ
CC: Aldridge, Pete Hon. OSD–ATL
Date: Wednesday, April 16, 2003
Subject: Re: Tankers

Mike, you must be out of your mind!!! Crosby has lots of baggage, as does Airbus. We won't be happy with your doing this!

JGR.

DR. JAMES G. ROCHE,
Secretary, US Air Force.

From: Wynne, Michael, Mr. OSD–ATL
To: Sambur, Marvin Dr. SAF/AQ; Roche, James Dr. SAF/OS
Date: Wednesday, April 16, 2003
Subject: FW: tankers

Jim, Marv; I've invited Ralph Crosby in for lunch. Ralph is the President EAD's US. I am going to ask him how much a proposal would cost. They came in a couple of weeks ago and offered to build the majority here in America. You are welcome to attend, though, it may be best to let me in my present position do the probing. I will share with you, as I have in the other case, any findings. I'd suggest that this be held quietly, but I did want you to be aware. I am not sure where this will lead, but the benefits of competition may be revealing.

Best,

Mike.

From: Wynne, Michael Mr. OSD–ATL
To: Sambur, Marvin Dr. SAF/AQ
Date: Wednesday, April 16, 2003
Subject: Tankers

Marv; Some advance work for FY05 budgeting is in order. I suggest that you begin to probe whether there's sufficient funding to start a multi-year late in FY04 and in earnest in FY05. Not that we are done yet, IDA may surface changes that make it acceptable, but some of the arguments that were tabled make the case for tanker re-cap compelling.

If I had some spare change hanging around, I'd give another supplier enough money to make a proposal for this as well. I'm not saying to buy anything other than a proposal. But, I think the leverage from that 'spare change' would be enormous. For Boeing, the risk of losing the US tanker Franchise, no matter what our final intent is would be too embarrassing. I know the opposition would be vocal as well, but with the low probability of success, I think paying to prepare is fair. If chosen we could deduct it from the final deal.

While these are idle thoughts for now, the discontent within the administration for what they perceive Boeing's response for assistance was is not good, and would support this contrary approach.

Best,

Mike.

From: James Roche
To: William H Swanson
Date: August 8, 2002
Subject: Re: hello?

Oh, really. Mine is probably at ''station 13'' while the gang goes on August vacation. When I see it in November, I hope it's all there—and no empty wine bottles in the doors! Be well.

Jim.

From: William H Swanson
To: James Roche
Date: August 08, 2002
Subject: Re: Hello?

JIM: Understand. Move explains why you and I had issues in our previous assignments.

Still no red rocket on west coast. It has sat in DC for 2½ weeks waiting on transportation. I almost called to borrow (pay for) one of your transporters. It is finally now on the road and I will see it next Friday. This has been torture. Yours will be here before I get to see mine!

Bill.

From: James Roche
To: William H Swanson
Date: August 08, 2002
Subject: Re: Hello?

Right. Privately between us: Go Boeing! The fools in Paris and Berlin never did their homework. And, Ralphie is the CEO and Chairman of a marketing firm, for that's all there is to EADS, North America. The AF has problems with EADS on a number of levels. The widespread feelings about Crosby in the Air Staff, Jumper especially, will only make their life more difficult. Smiles.

JGR.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: William H Swanson
To: James Roche
Date: August 08, 2002
Subject: Re: Hello?

JIM: Sent out the action will try and have late afternoon or first thing Friday morning.

Did you see the notice on Ralph and EADS?

Bill.

From: James Roche
To: William H Swanson
Date: August 08, 2002
Subject: Hello?

Bill, BAE and ATFLIR? Hello?

Jim.

From: Jumper, John, Gen AF/CC
To: Roche, James Dr. SAF/OS
Date: Tuesday, February 25, 2003 8:58pm
Subj: Re: Offsets for tanker lease

Good, thanks.

John.

From: Roche, James Dr. SAF/OS
To: Jumper, John Gen AF/CC
Date: Tuesday, February 25, 2003 8:57pm
Subj: Re: Offsets for Tanker lease

Good idea. I'll be honored to join you.

Jim.

DR. JAMES ROCHE,
Secretary of the Air Force.

From: Jumper, John, Gen AF/CC
To: Roche, James Dr. SAF/OS
Date: Tue. Feb 25, 2003
Subj: Re: Offsets for tanker lease

Boss, there may be a trap in letting the corporate staff diddle us on the margins of what they will or won't allow. We should consider you and me taking this directly to Pete and Dov, around the corporate staff.

John.

From: Sambur, Marvin Dr. SAF/AQ
To: Roche, James Dr. SAF/OS; Jumper John Gen AF/CC
Date: Tuesday, February 25, 2003
Subj: Offsets for tanker lease

BOSS, CHIEF: We are getting tremendous pressure to show our offsets for the Tanker lease. As I explained to you in a previous email, the offset or affordability issue is not as big a deal as Dov makes it out to be. The Chief has seen the details and the full details will be briefed to you on Wednesday at 4pm. The issue is that Aldridge wants a briefings by Dr. Spruill (co chair of the leasing committee) at 8:30 am tomorrow and Zakheim wants a briefing at 3:30 pm. Since we have a good story to tell, I think it would only cause unnecessary irritation if we refuse to give them the details until you are fully briefed. Is it OK to allow BG Johns with Spruill to give the briefing to Aldridge and Zakheim before you see the full details. The Chief had no issues and as I explained to you the OSD hot points are in the 09 time frame and involve an unknown bomber and funding for LAIRCM.

Thanks!

Marv.

From: James Roche
To: Pete Aldridge
CC: Gen. John Jumper; Marvin Sambur; Bill Bodie
Date: Nov 19, 2002
Subject: 767 Lease

Pete, old Buddy, you have been our strongest supporter on the issue of the lease. I now hear that your staff is telling us that you are weakening. Please don't. Here is some food for thought:

(1) Regardless of OMB, the deal is a good one for the taxpayer.

(2) Every time we come forward with something good for the taxpayer, the bureaucrats (including yours) feel that they have to fight it (job security?)

(3) To delay for two years to do an AOA is simply silly. It just means two more years of wasted repair costs on the E models; a waste of taxpayers' money to some beltway bandit; more bureaucratic delays by PA&E; and an end which is predictable.

(4) Since neither ships, trucks, or tiny planes can serve as tankers, we will be looking at big planes. Guess what?

We're already there. We will waste money and have nothing to show for it.

(5) Hey, we can extend the life of the E's and re-engine them! We'll that doesn't pass Grant's lieutenant's test: it means we will be flying 80 year old planes in a few years!!!! Average age is now between 42 and 44 years. Re-engining won't solve the inherent catalytic corrosion problem. More waste of money.

(6) Gee, why didn't we for 50 or 60 or 70 year old Air Force Ones? How many of our bureaucrats fly in such old planes? I'm getting used to some in their late 40s, but I'm not so picky! But, why don't we make the Navy sail 60 year old destroyers? Or submarines? Because it's dumb.

(7) If we wait, there may not be a 767 line! Hey, can we covert used ones. Here we go again. We can waste money with half measurers that are penny wise and pound foolish. Why not do the same for ships? OK, so we'll be forced to buy French airplanes.

(8) To kill this idea in OSD is proof that there may be words like ''acquisition reform,'' but they are hollow. The bureaucrats want to keep doing things the same old way, adding little value but lots of costs.

I can only keep my sanity by remembering Andy's advice to me years ago: ''there are limits to the stupidity any one man can prevent.'' Off to Okinawa! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Bill Bodie
To: Jim Roche
Date: Nov 20, 2002
Subject: Re: 767 Lease

Good for you, boss. Aldridge may deny he's been weakening, but the smoke signals are thick. Aldridge interviewed with Anne Marie yesterday, and although he wouldn't comment on specifics of any deal and was keeping an open mind, he indicated that in general terms he would have concerns about leasing when/if buying was cheaper. That doesn't jibe with his previous support for the lease from a NPV/cash flow management perspective. In addition, the spores seem to be pushing a ''what's the rush?'' line: buying is cheaper (we ''exaggerate'' the purchase cost of a green 767), therefore better; such a large expenditure requires more ''rigorous analysis'' than the back-of-the-envelope assertions by the AF, hence an AOA; the AF hasn't POM'ed for the lease, so how serious can we be? There is no ''urgent'' need, because the AF is starting to retire the E's next year even without an immediate replacement, so why can't we be more deliberative? Boeing will still be there, making airplanes, so what's the rush? Anyway, Airbus could make planes with enough American content if need be. I rebutted all these arguments with Jaymie (as you did with Pete), but we might be in the 'power' phase with OSD on this issue. If anyone can talk sense to Aldridge, however, it's you.

From: James Roche
To: Bill Bodie
Date: Nov 20, 2003
Subj: Re: 767 lease
Importance: high

Right. I'm relaxed on this one. They have to take the bureaucratic position. Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Roche, James Dr. SAF/OS
To: Druyun, Darleen, SAF/AQ
Date: Monday, December 17, 2001 7:24pm
Subj: Re: 767 Leasing

Darleen, thanks much. I'd like for us not to be embarrassed on the Third Floor. Also, we will have to see what the final language looks like. I'll be interested in the numbers, and whether our resident DeLoitte partner (Nelson) agrees. Jim.

DR. JAMES G. ROCHE,
SECAF.

From: Wynne, Michael Mr. OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Wednesday, June 25, 2003
Subject: RE: OSD(C) AND 767 LEASE

Usually opposition is loudest away from the decision maker—I think progress towards the door will crisp up the arguments, and allow the release. Keep the team MOOSHHING forward.

Best,

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael, MR. OSD–ATL
Date: Wednesday, June 25, 2003
Subject: FW: OSD(C) and 767 Lease

MIKE: And, here I thought Stan and the Boys were under control!

You have more work to do.

Jim.

JAMES G. ROCHE,
Secretary of the Air Force.

From: Lemkin, Bruce S, SES, SAF/FM
To: Roche, James Dr. SAF/OS; Sambur, Marvin Dr. SAF/AQ
CC: Montelongo, Michael, Civ, SAF/FM
Date: Wednesday, June 25, 2003
Subject: OSD(C) and 767 Lease

MR. SECRETARY AND MARV: At this morning's Dov Zakheim meeting with Service FMs, Dov stated that he will not agree to including an AF position in the Report to Congress that is different from the OSD position. He directed me to ''tell Jim and Marv'' that he intends to send SECDEF a memo stating this. Szemborski piped up that PA&E has ''formally non-concurred'' to SECDEF.

After the meeting, I got hold of the Leasing Panel co-chair, Wayne Schroeder, and told him that our position is that SECDEF has approved the lease-how can one or more of his staff ''non-concur?''—so, now, it is our obligation to work together to submit a Report to Congress that uncategorically supports the lease.

Marv—We in FM are standing by to continue to assist to break this free. Let me know how else we can help.

VR,
Bruce.

From: Bruce Lemkin [Principal Deputy Assistant Secretary AF, Financial Management]
To: James Roche; Marvin Sambur
CC: Michael Montelongo
Date: June 25, 2003
Subj: OSD(C) and 767 Lease

MR. SECRETARY AND MARV: At this morning's Dov Zakheim meeting with Service FMs, Dov stated that he will not agree to including and AF position in the Report to Congress that is different from the OSD position. He directed me to ''tell Jim and Marv'' that he intends to send SECDEF a memo stating this. Szemborski piped up that PA&E has ''formally non-concurred'' to SECDEF.

After the meeting, I got hold of the Leasing Panel co-chair,

Wayne Schroeder, and told him that our position is that SECDEF has approved the lease-how can one or more of his staff ''non-concur?''—so, now it is our obligation to work together to submit a report that uncategorically supports the lease.

Marv—We in FM are standing by to continue to assist to break this free. Let me know how else we can help.

VR,
Bruce.

From: Marvin Sambur
To: Bruce Lemkin; James Roche
CC: Michael Montelongo
Date: June 25, 2003
Subj: RE: OSD(C) and 767 Lease

BRUCE: We have made every compromise possible. I do not understand Szembroski's position. I spoke to his boss this morning and I thought they were rewriting the non-concur. In any event, we are submitting the report this afternoon. I added a line the OMB wanted (lease decision was predominantly made due to schedule). However, I am not moving off the position that the fair market

purchase price is $138.4 (not $131M which requires that we give them the money 4 years ahead of delivery) and that the lease is a wash art purchasing from a financial point of view. I will not give your enemies the tools to bury us!

Marv.

From: Roche, James Dr SAF/OS
To: Sambur, Marvin DR SAF/AQ
Date: Tuesday, July 08, 2003 9:44pm
Subj: Re: Footnote

Marv, what about my just adding my language? Why not? It's my letter. Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Sambur Marvin Dr SAF/AQ
To: Roche James Dr SAF/OS
Date: Tue Jul 08 2003
Subj: Re: Footnote

BOSS: Our introduction makes that point that the lease is the fastest way to get tankers given our funding constraints. What they are forcing us to say is that IF congress gave us permission to PURCHASE under the same MYP terms as the lease, then the lease is DUMB financially.

Robin wanted it in the text and Mike got her to accept it as a footnote. Wynne is not willing to go further. My point is that Mike has tossed the bomb back to us in a take it or leave it terms. He claims that we will still win and our enemies know about this already. I spoke to Dicks last week and he told me to hold firm and not to go along with Robin. I want to check again.

Marv.

From: Roche, James Dr. SAF/OS
To: Durnan, Jaymie CIV OSD
Date: Tuesday, July 08, 2003
CC: Bodie William C Civ SAF/OS
Subj: Lease

Jaymie, Mike Wynne has fallen for Cleveland's line that our letter must show the bogus calculation which is NPV negative by $1.9 billion.

Why bogus? If we had the budget, we wouldn't need to turn to a lease. But, we don't. Thus, to assume that it exists (wrong premise), and then to assume the Congress passed legislation which it didn't, and then to condemn ourselves in writing by stating the calculation based on a fantasy simply is crazy. It is a bureaucratic trick to make a fool out of Don as well as the Air Force. All this was ''resolved'' by Pete Aldridge before he left. To quote him: ''We need to go forward with DoD's position. If OMB wants to comment, let them.''

Point: we are running aground because PA&E and OMB want me to sign a suicide note. BUT I WILL NOT. This whole drill has gotten out of hand! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Roche, James Dr SAF/OS
To: Wynne, Michael Mr. OSD–ATL
Date: Wednesday, September 03, 2003
Subj: Re: Ken Kreig ltr

Keep the faith, Baby, we'll need it tomorrow. Please be prepared to tell the SASC that we did discuss whether or not to do an AOA, and that one isn't required. Further, Sen McCain thinks Schmitz is an authority on the subject! Jim.

DR. JAMES G ROCHE,
Secretary of the Air Force.

From: Wynne, Michael Mr. OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Wed Sep 03, 2003
Subj: Re: Ken Kreig Ltr

James, You are nearing sainthood, inspite of your youth. I think your sidebar with Tony C. Made a difference.

Best Regards,

Mike.

From: Wynne, Michael, Mr. OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Wednesday, July 09, 2003
Subj: RE: FW: Footnote

I can only repeat that you are actually winning. To change subjects, the F–22 DAB went reasonably well, and will lead to a second IPR and decision DAB in September. I complimented Rick Lewis, and Tom Owen, but told them not to let up. September will come quickly.

Best,

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael Mr. OSD–ATL
Date: Wednesday, July 09, 2003
Subject: RE: FW: Footnote

Mike, thanks for your candor. I will only add to the footnote of the letter I sign that ''the funds to execute such an alternative could not be made available without harming combat capability.'' Then, no one can accuse Don of ''wasting'' $1.9B of taxpayer money. Stan Crock's article is another in a long series on varying issues where my friend missed the point. Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Wynne, Michael, Mr. OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Wednesday, July 09, 2003
Subj: RE: FW: Footnote

Jim—Good on Pete—he left before the fight—I believe that this is a fair display. This is a footnote to a lengthy text, and offers a bone to the critics recently in Business Week who say that you and we tortured the economic argument to get what we want. I believe that addressing this point in this fashion takes the teeth out of their criticism. This will not embarrass at all the Secretary, as I would not even have considered it otherwise. This followed one full week of negotiation to remove it from the text and get it to only footnote status.

My advice to you is to take the deal as written, sign it out of this Building—get the term waiver, and let the House and Senate proponents, do their magic. I think you have a major victory, and are letting a minor math point get in front of a major policy win.

Best,

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael, Mr. OSD–ATL
Date: Tuesday, July 08, 2003
Subject: RE: FW: Footnote

Mike, it's not that easy for you. Pete resolved these. You don't want to be put in a position of embarrassing Don; nor do I. If I refuse to sign, you will have to explain it anyhow! We should present DoD's position and let OMB add the bogus point not us. Bogus because we DON'T HAVE THE $$$ NOW WITHOUT GIVING UP COMBAT CAPABILITY! This was Pete's argument. We turned to a lease because of this reality. The footnote to which you agreed? NEVER mentions this point! That's just not wise. Don't you agree? Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Wynne, Michael, Mr. OSD–ATL
To: Roche, James, Dr. SAF/OS
Date: Wednesday, July 08, 2003
Subj: RE: FW: Footnote

JIM: I am out of this now—though I will front what you want. As a footnote, this could be any number, not one that either you and I must defend. At this juncture, it's up to you to sign or not. I hope you think it over and get it out of the building.

Best,

Mike.

From: Roche, James Dr. SAF/OS
To: Wynne, Michael Mr OSD–ATL
Date: Tuesday, July 08, 2003
CC: Sambur Marvin Dr. SAF/AQ
Subj: Re: FW: Footnote

Mike, I don't like it. Why? Because we don't agree with the calculation! As important, it fails to give an alternative, lease supportive case where the NPV is positive! If the addition to the footnote added: ''. . . Similarly, if blah blah, then the NPV would favor a lease by $$$.'' As this stands, it is embarrassing to you, me, and the Sec Def. Senator McCain and others who oppose the lease will leap to this number! Why is this so hard for you to see, Mike? Further, the footnote missed Pete Aldridge's point that this is a hypothetical since the Air Force doesn't have the BA to enter into such a multi year contract, even if the Congress bent its rules to do so without limited production!

Marv, what do you think? Please get together with Mike to come up with a more palatable and balanced version of the footnote.

Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Wynne, Michael Mr OSD–ATL
To: Roche, James Dr. SAF/OS
Date: Tue Jul 08, 2003
Subject: FW: Footnote

JIM: I've gotten the 1.9B relegated to a footnote and I've made an agreement with OMB so that we can proceed. You can sign it in the morning if you agree if not I'm not sure what to do. Meeting with DSD went fine. Most are hoping that you refuse to sign. I told them not so fast.

Best,

Mike.

From: Spruill, Nancy Dr. OSD–ATL
To: Wynne, Michael Mr. OSD–ATL
Date: Tuesday, July 08, 2003
CC: Spruill, Nancy, Dr. OSD–ATL
Subject: Footnote.

MIKE: This is what I've copied for your convenience.

Thanks,

Nancy.

The Footnote is to the sentence that says: Applying the A–94 test, it was determined that the net present value of the multi-year lease option and a traditional purchase option results in a NPV favoring a purchase of $150 million, as shown in Table 1[1].

Footnote: [1] In evaluating the net present value of the lease and purchase options as required by OMB Circular A–94, the Air Force relied on the availability of multi-year lease authority granted by Congress in 2002 Defense Appropriations Act. Had the Congress chosen instead to provide multi-year procurement authority the NPV could favor purchase by up to $1.9 billion. While this information affords a measure of clarity in an equitable comparison of terms and NPV, it is provided with the understanding that multiyear procurement authority was not available and therefore not a viable option for the Administration's analytical consideration.

From: John Jumper AF/CC
To: William Bodie SAF/OS; James Roche SAF/OS
Date: June 22, 2002
Subj: RE: CNBC Interview—Tanker Recapitalization

Great themes, thanks. JJ.

From: William Bodie SAF/OS
To: James Roche SAF/OS; John Jumper AF/CC
Date: June 21, 2002
Subj: FW: CNBC Interview—Tanker Recapitalization

We've got Loren doing the Lord's work again. ''3rd Party'' support at its best.

From: T124C41
Sent: Friday, June 21, 2002 10:55 AM
To: carey
Cc: william.bodie
Subject: CNBC Interview—Tanker Recapitalization

To: Mac Carey
From: Loren Thompson
Date: June 21, 2002
Subj: CNBC Interview—Tanker Recapitalization

Last Monday I was interviewed by CNBC for an upcoming segment on the Air Force tanker leasing controversy. I talked to CNBC anchor Marsha McCallum yesterday, and she said the segment is due to air at 3:15 pm on Monday. Senator MCCAIN will also be on the segment.

CNBC will only use a small portion of what I said. For the record, though, here are the ten themes I told her, in some cases several times:

(1) Tankers are essential enablers of American military power, and will become more so as our network of overseas bases continues to shrink.

(2) Every bullet and bean America delivered to Afghanistan, not to mention every soldier and fighting system, got there on an airplane that had to be refueled in flight by a tanker.

(3) This month marks the 45th anniversary of the first delivery of a KC–135 tanker to the Air Force, reflecting the fact that 90% of the tanker fleet has grown quite aged.

(4) The fleet is so old that a third of airframes are in repair shops or waiting to go there on any given day.

(5) The planes must be replaced, and the Air Force has determined that the Boeing 767 is the best aircraft to use.

(6) Replacement of over 500 tankers may prove to be the biggest defense procurement program of this generation.

(7) But even if we begin buying planes at the rate of two dozen per year, it will take the Air Force 20 years to replace the fleet—by which time some of the KC–135s will be at twice their design lives.

(8) Flight hours is a useful indicator of airframe fatigue, but it tells you very little about the toll corrosion may be taking on the planes.

(9) Leasing is a common practice among commercial airlines to mitigate the cost impact of acquiring large aircraft.

(10) Senator MCCAIN—the only critic of leasing in Congress—will not succeed in blocking a 767 lease because tanker replacement is critical and he has offered no alternative to leasing.

Martha and I have actually had a number of conversations outside the taping, allowing me to repeat some core themes. She seems thoughtful and open-minded, with no axe to grind. Incidentally, I told her the lease was the exact opposite of a Boeing ''bailout''—it's a government attempt to get good terms from the company by taking advantage of a downturn in demand for commercial transports.

2004 Defense Planning Guidance directs a review of tanker replacement options, indicating the issue is now on OSD's radar screen.

From: Bodie, William C., Mr, SAF/OS
Sent: Friday, June 21, 2002 11:26 AM
To: Roche, James, Dr., SAF/OS
Subject : RE: CNBC Interview—Tanker Recapitalization

We'll track it to see if CNBC gives us a fair shot. Glad we're doing 737 stuff Monday.

From: James Roche
To: William Bodie
Date: June 21, 2002
Subj: RE: CNBC Interview—Tanker Recapitalization

Good work!
Jim.

JAMES G. ROCHE,
Secretary of the Air Force.

From: Bodie, William C., Mr, SAF/OS
Sent: Friday, June 21, 2002 11:08 AM
To: Roche, James, Dr., SAF/OS; Jumper, John, Gen, AF/CO
Subject: FW: CNBC Interview—Tanker Recapitalization

We've got Loren doing the Lord's work again. ''3rd Party'' support at its best.

From: T124C41
Sent: Friday, June 21, 2002 10:55 AM
To: carey
Cc: william.bodie
Subject: CNBC Interview—Tanker Recapitalization

TO: Mac Carey
FROM: Loren, Thompson
DATE: June 21, 2002
RE: CNBC Interview—Tanker Replacement

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(6) Replacement of over 500 tankers may prove to be the biggest defense procurement program of this generation.

(7) But even if we begin buying planes at the rate of two dozen per year, it will take the Air Force 20 years to replace the fleet—by which time some of the KC–135s will be at twice their design lives.

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(10) Senator McCain—the only critic of leasing in Congress—will not succeed in blocking a 767 lease because tanker replacement is critical and he has offered no alternative to leasing.

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2004 Defense Planning Guidance directs a review of tanker replacement options, indicating the issue is now on the OSD's screen.

From: Marvin Sambur SAF/AQ
To: Jim Albaugh
Date: June 17, 2003
Subj: FW: USAF Green Aircraft Pricing

JIM: I have been working with Bob to answer a question from MCCAIN concerning his claim that Continental received a better deal than the USAF. I asked Bob for a simple statement that, accounting for inflation and airworthiness directives, we received a better deal than anyone else. Given the assault that MCCAIN is mounting on this deal (see attached) and our claims that we received the best deal, we need such a statement. Thanks!

Marv.

From: Bob Gower
To: Marvin Sambur SAF/AQ
Date: June 16, 2003
Subj: RE: USAF Green Aircraft Pricing

We have the MCCAIN request. I am traveling to DC in the morning for Hill visits the next few days. I will take your response up the chain.

From: Marvin Sambur SAF/AQ
To: Bob Gower
CC: Arlene Marvin
Date: June 16, 2003
Subj: Re: USAF Green Aircraft Pricing

BOB: This is unacceptable. McCain will eat us for lunch. See attached.

From: Bob Gower
To: Sambur SAF/AQ
Date: 6/16/2003
Subj: USAF Green Aircraft Pricing

MARV: We looked at providing some type of certification for the ''green'' aircraft pricing and would prefer not to do this for two primary reasons.

First, we have hurt our commercial airline market enough through the concessions, profit cap, and most favored customer clause. To provide an additional measure of certainty would set a new standard for the Boeing company that we prefer not to set. All elements of this deal are very visible and this would not be good for our other markets. Our best customers have understood the Most Favored Customer clause because some of them have seen these in the past but these have been forward looking with no commitment to historical pricing.

Second, we believe Boeing providing additional commitments has little or no additional political benefit. I believe that if the USAF attempted to stand behind a Boeing statement that our enemies would unjustly attack Boeing's credibility.

Therefore, my proposed solution is for the USAF to stand behind the facts which I see as:

The USAF is confident we have received a most competitive price on the basic 767 aircraft. The USAF has ensured this through multiple means:

(1) We obtained confidential information directly from a major airline that validates we obtained a very competitive price from a historical position,

(2) We obtained a Most Favored Customer clause that protects the USAF on a going forward basis since it requires Boeing to refund the USAF should they ever sell a 767 for less than what the USAF paid, and

(3) The USAF has capped Boeing's earnings to ensure the maximum profits they could

make are in line with DoD profit guidelines, insuring the USAF would benefit in the future should cost come in lower than predicted. Should cost be higher, Boeing bares the risk.

With this firm, fixed price contract and Boeing responsible for all development costs, we believe this agreement is unprecedented in its protection for the taxpayer, and insure not only have we received the best pricing possible, but we will continue to obtain the best pricing from Boeing in the future.

Regards,

Bob.

From: Marvin Sambur SAF/AQ
To: Darleen Druyun SAF/AQ; James Roche SAF/OS
Date: October 10, 2002
Subj: RE: Tanker Leasing

Jamie Durnan stopped me this morning to tell me that OMB ''will fight us to the death on the lease.'' I asked why and he told me that they do not believe our numbers and their analysis shows that it is better to purchase. (At the leasing meeting the OMB number was about $50M favorable to purchase out of about $18B fly away cost.) I told him that we admit that the deal is probably a push but if we buy according to the same funding stream as leasing, we only get 6 tankers by 2009 versus 67 by leasing. The quicker delivery acts as an insurance policy against the unknown effects of aging and accelerating usage. He thought that was a compelling argument.

Marv.

From: Bill Essex SAF/AQQ
To: Marvin Sambur SAF/AQ
Date: August 03, 2002
Subj: FW: Potential OMB Problems with 767 Lease

SIR: Our take on the OMB letter to Sen. MCCAIN is below. Mr. Daniels went out of his way to slam 767 lease even though he does not really know much about it yet. Looks like an interesting fight shaping up.

VR,

Bill.

From: Marvin Sambur
To: James Roche
Date: October 21, 2002
Subj: 767 meeting with OMB

BOSS: We spent three hours with Robin this AM going over the issues they highlighted for discussion and additional data. These topics were: Requirements justification, price of the green a/c, why our proposal meets the requirements of an operating lease and a better understanding of the legal ramifications of a Special Purpose Entity that would hold title to the tanker a/c. She was quite upset when she learned from the introductions that Boeing was present to answer any questions. When we saw her ''angst'' we told her they would leave or we could have an executive session with government only participants. She told us the damage was done and did not take up the options we outlined to her. We invited Boeing in to respond to questions she and her staff had and frankly they were very helpful in filling in some details and adding credibility. This was not a negotiation meeting and Boeing was only to provide answers on the pricing. I expect she will express to you her anger over Boeings presence.

Robin and her staff asked for additional data which we are preparing to send over in the following read: What would the AF budget look like per FY to purchase the same number of aircraft being built and delivered under the lease? (The insurance argument of getting the lease tankers 5 years earlier with about the same net present value resonated with her. In addition, the point that Boeing will stop producing the 767 and if we delay, the price will rise considerable was also a strong argument to her.) However, they believe our price for the green a/c is too high and have asked for other large airline purchases, config and what the discount was from the list price. Apparently her staff made a bunch of phone calls and claim their number is lower than ours but she is the first to admit that she does not know the real validity behind them. We need to give them the maintenance costs of the 135s vs. The proposed 767 tankers. She will want a separate session on tanker termination liability issues. I believe we probably talked passed each other on this and I have directed my staff to prepare very clear charts on this to set the record straight. He also wants a copy of the draft contract T's and C's. In addition, she directed we rerun the numbers using a 6 years OMB discount rate in addition to the 15 year period. We have this and will give to them to OMB.

I expect she will call you. We firmly believe the contractors attendance at the meeting was very helpful but she will probably blast us for it. We will keep you posted on our progress.

From: Marvin Sambur
To: James Roche
Date: September 11, 2002
Subj: 767 Tanker justification

BOSS: I kicked off the effort to establish a ''need'' justification for the tankers. Hope to have a conceptual framework ready by the end of the week.

Spoke to Robin after the meeting to tell her that the economic justification is not a slam dunk for either position (purchase or lease.) It is more a push and a slight change in the interest rates can flip the analysis. At the end of the day, we have to prove that there is a TRUE need and that there are other advantages to leasing (earlier delivery, affordability, etc) that make it a good business deal. It is going to be a tough sell given the other factors such as liability and indemnification.

Marv.

From: Marvin Sambur
To: James Roche; Scott Custer
CC: Peter Teets; John Jumper; Robert Foglesong; Joseph Wehrle, William Bodie; John Corley; Janet Therlanos; Debra Henderson; Warren Henderson; Judy Fedder; David Rue; Robert Pavelko; Bob Edmonds; Skip Daly; Christopher Bowman; Gregory Christ; John Handy; Paul Essex; William Hodges; Michael Zettler; Michael Montelongo; Stephen Lorenz; Duncan McNabb; Gary Heckman; Kevin Chilton; Raymond Johns; Ronald Rand
Date: July 25, 2003
Subj: Re: SASC Tanker Lease Hearing

But remember, they can not play the game without the football and where the football goes determines the end result!

Marv.

From: James Roche
To: Marvin Sambur
CC: Peter Teets; John Jumper; Robert Foglesong; Joseph Wehrle, William Bodie; John Corley; Janet Therlanos; Debra Henderson; Warren Henderson; Judy Fedder; David Rue; Robert Pavelko; Bob Edmonds; Skip Daly; Christopher Bowman; Gregory Christ; John Handy; Paul Essex; William Hodges; Michael Zettler; Michael Montelongo; Stephen Lorenz; Duncan McNabb; Gary Heckman; Kevin Chilton; Raymond Johns; Ronald Rand
Date: July 25, 2003
Subj: RE: SASC Tanker Lease Hearing

Yes, but for whom? I always wondered what it would feel like to be the football! Jim.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Marvin Sambur
To: James Roche
CC: Peter Teets; John Jumper; Robert Foglesong; Joseph Wehrle, William Bodie; John Corley; Janet Therlanos; Debra Henderson; Warren Henderson; Judy Fedder; David Rue; Robert Pavelko; Bob Edmonds; Skip Daly; Christopher Bowman; Gregory Christ; John Handy; Paul Essex; William Hodges; Michael Zettler; Michael Montelongo; Stephen Lorenz; Duncan McNabb; Gary Heckman; Kevin Chilton; Raymond Johns; Ronald Rand
Date: July 25, 2003
Subj: RE: SASC Tanker Lease Hearing

And they are playing the Jets. This is a good omen.

From: James Roche
To: Scott Custer
CC: Peter Teets; John Jumper; Robert Foglesong; Joseph Wehrle, William Bodie; John Corley; Janet Therlanos; Debra Henderson; Warren Henderson; Judy Fedder; David Rue; Robert Pavelko; Bob Edmonds; Skip Daly; Christopher Bowman; Gregory Christ; John Handy; Paul Essex; William Hodges; Michael Zettler; Michael Montelongo; Stephen Lorenz; Duncan McNabb; Gary Heckman; Kevin Chilton; Raymond Johns; Ronald Rand
Date: July 25, 2003
Subj: Re: SASC Tanker Leasing Hearing

Goodie! The same day as the opening day of Redskins football! JGR.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Scott Custer
To: James Roche
CC: Peter Teets; John Jumper; Robert Foglesong; Joseph Wehrle, William Bodie; John Corley; Janet Therlanos; Debra Henderson; Warren Henderson; Judy Fedder; David Rue; Robert Pavelko; Bob Edmonds; Skip Daly; Christopher Bowman; Gregory Christ; John Handy; Paul Essex; William Hodges; Michael Zettler; Michael Montelongo; Stephen Lorenz; Duncan McNabb; Gary Heckman; Kevin Chilton; Raymond Johns; Ronald Rand
Date: July 25, 2003
Subj: SASC Tanker Lease Hearing

Sir, looks like 4 Sep for the SASC tanker hearing . . . with you as the AF witness.

V/R Scott.

From: Robert Pavelko
Date: July 24, 2003
Subj: SASC Tanker Lease Hearing

Just received a telephone call from Mr. Tom McKenzie, SASC [202–224–9347]. He wanted to give us a heads up the SASC will be calling a hearing on the AF Tanker Lease.

Projected date is 4 September in the morning. Witness invites: SECAF, Director of OMB, and Sec Wynne. His POC is Bill Greenwalt. 202–224–6778.

V/R,

Robert J. Pavelko.

From: Marvin Sambur
To: James Roche
Date: November 19, 2003
Subj: FW: Tankers

FYI.

From: Scott Custer
To: Marvin Sambur
Date: November 19, 2003
Subj: Tankers

SIR: Mr. Wynne is quoted as saying we would pay up front not purchase on delivery, that it will probably be 2 contracts, and that the price would likely need to be renegotiated . . . not helpful. I don't know how this got so messed up but I think we still need to proceed with the deal we want . . . and take it to the SASC for their views. And, we must do it quickly as the pending omnibus may be the only vehicle left to get any language changes we'll need to make it work.

V/R,

Scott.

From: Dov Zakheim
To: Marvin Sambur
Date: November 25, 2002
Subj: RE: KC–767 Lease Delay.

I have a simple question? Where is the USAF money to fund this lease?

From: Marvin Sambur
To: Pete Aldridge; Dov Zakheim
Date: November 22, 2003
Subj: KC–767 Lease Delay

PETE AND DOV: I understand the suggestion we delay the KC–767 lease two years has come up again at high levels within OSD (though this time without necessarily paying to re-engine KC–135Es) in order to do a format AoA. As a follow-up to my recent e-mail on this subject:

A formal AoA will cost money, delay the program two years, and still come up with the same answer we have today. There are only a few aircraft that can serve as tankers, they are already in production, and so analyzing their respective capabilities and costs won't take long—in fact, it's already been done and the results passed to OSD. What's left to study?

For the last 45 days, OSD has had enough data to support a decision analysis—all they really need is the A–11/A–94 model we provided to determine that the deal is a good one.

A complete contract is not required for OSD to analyze the lease; contracts are written to match the programs approved and justified through analysis; our A–11/A–94 model is the primary analytical tool upon which we are building our contract; if OSD analyzes the model (which we believe they have not done), they will be analyzing the proposed program.

If restarted negotiations in 2005 resulted in a real price increase of just 5%, we will have to drop one aircraft per year to live within our budget. This will add further cost and stretch-out the KC–135 recapitalization effort two more years in addition to the two-year late start.

A 5% price increase due to loss of negotiation leverage will add more than $700M to the cost of the first 100 KC–767s.

Bottom line: the penalty for delaying the lease we've negotiated today could be substantial even without the added burden of paying for maintaining KC–135Es. Please keep in mind that the low-cost deal we have today is the result of negotiating with a manufacturer suffering the impacts of an industry-wide downturn. That downturn is not expected to continue for another two years. As the facts show, our negotiating team got a better deal on these 767s than a major airline did with theirs with a 20-yr exclusive contract—we likely won't do as well when the industry recovers. How, then, would we explain this two-year delay to Congress?

Marv.

From: Michael Wynne
To: Marvin Sambur
Date: July 08, 2003
Subj: RE: Footnote

MARV: At long last, this is the best that I could get—relegating the non-available comparison to a footnote. I have been to the speakers office, and they don't care how it reads, just get it over to congress and let them get it done.

At this point, it is up to Jim to sign or not.

Best,

Mike.

From: Marvin Sambur
To: James Roche; Michael Wynne
Date: July 08, 2003
Subj: Re: Footnote

The primary reason for the lease is because it affords us the ability to recapitalize faster. By putting in the footnote, we allow our enemies to stall with the excuse that the AF should go to Congress and ask for a MYP. The OSD position is that the financials are a wash, so way cloud the issue and cause problems. Submit without the footnote and we will prevail. Submit with the footnote and we have a battle on the wrong issue that will cause big time delays.

Marv.

From: Mary Walker
To: James Roche
Date: August 21, 2003
Subj: Re: Revised OMB Circular A–11

BOSS: I had the same question. It would be nice to say we comply either way. Will see. Moreover in my opinion, now in preparation, I could speak to this. You may be asked.

Mary.

From: James Roche
TO: Daniel Ramos
CC: Marvin Sambur, William Hodges, Ty Hughes, Mary Walker, Janet Therianos, John Jumper
Date: Aug 21, 2003
Subj: Re: Revised OMB Circular A–11

Dan, thanks much. Good work. How does our lease fare under the new circular? If it fails, then OMB may be in for an attack from Sen McCain. What dumb time to change the rules!!!

JGR.

DR. JAMES G. ROCHE,
Secretary of the Air Force.

From: Daniel Ramos
To: James Roche
CC: Marvin Sambur, William Hodges, Ty Hughes, Mary Walker, Janet Therianos
Date: Aug 21, 2003
Subj: Revised OMB Circular A–11

SIR: Earlier this week Ms. Walker provided you with a copy of a revised version of OMB Circular A–11 issued on July 25, 2003. Among other things, the revised A–11 adds new guidelines for distinguishing between operating leases, capital lease the KC–767s requires that it be an operating lease based on the definition provided by OMB ''at the time of the lease.'' The statute does not state whether ''at the time of the lease'' means when the lease is signed or when it was first submitted to OMB for review, so it is possible that the revised A–11 could apply to the KC–767 transaction. We immediately engaged with OMB on this issue, and as of this afternoon OMB has verbally agreed to the following: OMB will issue a clarifying letter stating that the revised A–11 applies only to transactions approved by OMB after July 25, 2003. At our request, OMB will then issue a letter addressed to you stating that OMB approved the Air Force KC–767 transaction prior to July 25, 2003, and therefore the revised A–11 does not apply. OMB plans to issue the clarification early next week and the letter to the Air Force by the end of next week. If there is any change to this plan, we will let you know.

From: Marvin Sambur
To: James Roche
Date: November 21, 2003
Subj: FW:767 Update

FYI.

From: Ty Hughes
TO: Marvin Sambur
CC: Scott Custer, Mary Walker, Daniel Ramos, Ted Bowlds
Date: Nov 21, 2003
Subj: 767 Update

Dr. SAMBUR: OMB General Counsel called DoD GC this afternoon and asked for a legislative proposal to address the obligation of funds for the tanker. OMB also asked what the Air Force can with respect to obligation of funds if there is no new legislation.

DoD has prepared language that would allow obligation of funds upon delivery of the aircraft. The draft language would solve the problem. It should go over this evening. OMB is considering offering the language for inclusion in the Omnibus Appropriations Act.

Without legislation, the DoD fiscal lawyer is still of the view that the Air Force must obligate all of the funds for purchase when the aircraft are ordered. We have scheduled meeting for 0900 on Monday with the DoD lawyers to discuss this.

Ty Hughes.

From: Mary Walker
To: James Roche
CC: John Jumper, Peter Teets, William Bodie, Janet Therlanos
Date: Nov. 26, 2002
Subj: More Updates from GC

BOSS: Welcome back! (With the thought you are reading this after Thanksgiving . . .) Since I won't be here when you get in on Monday the 2nd (I'll be on my way to give a speech at the USAFE JAG conference . . .), I wanted you to have my long list of accumulated updates so you can be current with the issues we are working that are of known or suspected importance to you. Don Fox will be covering for me until I get back on Dec. 6th. This will fill you in.

767 Tanker Lease (legal issues):

While most of the lease terms have been agreed upon, a number of terms have been elevated to SAF. The most important ones include the following:

(1) A very significant issue just surfaced and may require us to obtain additional legislation. Boeing representatives told us the investors need assurance that the Air Force will not terminate the lease agreement while the aircraft are under the 3-year construction. We are concerned about the fiscal consequences of such an assurance since 40+ aircraft may be in various stages of construction at any one time. We are analyzing this issue under the limited statutory guidance for this program and past precedent, which is also limited because leasing of major systems has been so rare. FI we are unable to resolve this issue with the staff in DoD GC, we may need to seek another provision in law to provide adequate authority to meet our needs.

(2) Boeing wants a clause advising the government of the tax treatment it wants reflected in the transaction. We have told them that the tax treatment is a matter between Boeing and the IRS, not the Air Force.

Boeing is considering whether to seek a Revenue Ruling or informal advice form the IRS. If they decide to go that route, we may want to ask the IRS to expedite consideration of their request.

(3) The bond rating agency wants the government to agree not to initiate a bankruptcy petition against the lessor until one year and a day after the final lease payment. While we understand this is a standard provision in commercial aircraft lease, DOJ, not the Air Force, decides when to file documents (such as bankruptcy petitions). We will ask Boeing to discuss this matter with the bond rating agency to see if they can make an exception for a government lessee or lese tailor the clause in a way that would not bind DOJ. If not, we will work the issue with Justice.

(4) Boeing also wants indemnification under Public Law 85–804 for ''unusually hazardous risks.'' You approved such indemnification in the case of the 737 lease. However, Boeing's request is now broader and the company seeks indemnification for the lender and officers of the various entities involved. The Air Force has not provided such broad indemnification in the past. We are currently reviewing whether we have the legal authority to do this and then there is the policy issue of whether this is something we want to consider. We also are working on the definition of unusually hazardous risk in this case.

From: Michael Wynne
To: James Roche
Date: June 24, 2003
Subj: Meeting

JIM: Thanks for hosting on Tankers—flavor just right, but I may need to borrow that reverse flak jacket yet.

Best,

Mike.

From: Michael Wynne
To: James Roche
Date: July 17, 2003
Subj: Good Luck

JIM: I wanted to say again congrats to get to the next phase fight on Tankers, likely less than the fight so far. Good Luck as well on the nom and confirm process. I'll be somewhere behind you. President willing.

Best,

Mike.

From: Michael Wynne
TO: Nancy Spruill, Ronald Sega, William Porter
CC: Richard Wiersema; Raymond Jones; Robert Nemetz
Date: November 01, 2003
Subj: RE: Two Issues—Tankers and Ship Funding

I think I responded but if not—I thought we could support two R&D ships if in different yards, and so stretch R&D a little. Incremental for production would be a stretch. Tankers—aaaaarrrrgggghhh!!! enough said.

Best,

Mike.

From: Nancy Spruill
To: Michael Wynne; Ronald Sega; William Porter
CC: Richard Wiersema; Raymond Jones; Robert Nemetz
Date: November 1, 2003
Subj: RE: Two Issues—Tankers and Ship Funding

MIKE: This evening Deputy Secretary Wolfowitz, Dr. Sega, Marv Sambur, Dave Patterson, Dan Stanley and I met with Joel Kaplan and others from OMB/WH/VP's office.

The issue was a legislative strategy for the way ahead on the tanker lease, in light of the proposed Warner amendment/press articles/interactions with Congress/etc.

There was a lot of support to go with the amendment but AF argued that there were other players—HASC and appropriators—so we should let the process work its way out. Dr. Wolfowitz raised the issue of a compromise and asked for an additional 28 hours to get a Department position to Joel Kaplan.

Dave Patterson will have the lead and Ron Sega and I will work w/him.

They are aware of your recommendation about where to get offsets, if we went with 20/80.

From: James Roche
To: Paul Weaver
Sent: May 21, 2002
Subject: (No subject)

Thanks, Paul. You are correct re KC–767's. Let's wait until we have a deal. We just completed negotiations on the four 737's for Congressional travel. Re F–22's, the ANG is welcome to make the following points:

(1) The F–22 is needed, and will be a formidable weapon system.

(2) It will be important for the ANG to be part of this program.

(3) If the program is cut, the chance to put F–22's in the Guard effectively will evaporate.

Be well.

Jim.

From: Paul Weaver
To: James Roche
Sent: May 21, 2002
Subject: (No subject)

MR. SECRETARY: I just returned on Monday from the Adjutants General's conference in Boise. Great turnout and great support for our Air Force. Gen Kane and Killey briefed them on their meeting with you and all voiced overwhelming approval to help out in AF modernization where ever they can. Led by the TAG from Arizona, who's Phoenix unit flies the oldest KC–135E's, want to start working the Hill for support for the KC–767. They do not want Sen. MCCAIN to hurt the proposal. They want to get out the straight facts on the old E's. I advised them to hold off until a deal is finally cut between the AF and Boeing. I want to make sure that that is still your position. They will all respect your wishes and will move out when you give the signal to do so.

They also want to do whatever it takes to keep the F–22's in production and have the ANG as part of it.

Danny did a great job and I'm sure he will do well in the future as the Director.

God Bless,

Paul.

From: Burkhardt & Associates
To: James Roche
Sent: May 3, 2002
Subject: WSJ

Not very helpful article this morning. Here's the short outside the beltway reaction. (If you want the long version, give me a call)—

(1) Why the secrecy of your Wall street advisors? I think you got lousy legal advice on that memo. (If the article is accurate and you're using Wall Street advisors). You're the client. I can't envision a circumstance under which whoever is structuring this deal for you wants the fact that their doing so is kept quiet. It's red meat to Congress to tell them they can't know something.

(2) Claiming confidentiality is like claiming executive privilege. Even if it's correct in a narrow technical sense (and I'm not at all convinced it is) it only hurts you—larger public case. You can't defeat the claims that you're not disclosing something (by implication—something bad) (esp from someone as visible as MCCAIN) without real information. I'd distribute a one page memo saying the per plane cost of the lease will not be greater than x and have x be less than the last lease Boeing did for some commercial entity—or that x is y dollars less than the cost of a new tanker.

From: James Roche
To: Dr. Marvin Sambur
Sent: May 14, 2002
Subject: RE: Call from Boeing

I love Ya, Big Guy. Give it to the Blue Eyed Arabs of the North (the expression we used for Boeing).

Jim.

From: Dr. Marvin Sambur
To: James Roche
Sent: April 9, 2002
Subject: RE: Call from Boeing

BOSS: Gerry Daniels called to discuss the tankers. He started the conversation by reminding me that McCain was a minority view and if the AF brought the deal forward it would easily pass. I stated that the AF would not bring this forward unless it was a good deal. Apparently, he never took this message seriously as he was surprised at this response. I explained our business model and indicated that if Boeing could not fir into this model we would shake hands and disengage. I arranged to have him and his team share our model. I ended the conversation by telling him that the AF's reputation was at stake and we are committed to getting a good deal or else there would be no deal. Boeing must take some risks given the future value of this initial contract. We are pointed towards an end of May conclusion as to whether to disengage.

Marv.

From: William Bodie
To: James Roche
Sent: April 25, 2002
Subject: RE: US News

Don't worry, I was never ''good'' enough to be an altar boy. I liked girls too much.

From: James Roche
To: William Brodie
Sent: April 25, 2002
Subject: RE: US News

God love you, my Son. Oops. I sound like one of those dangerous clerics!!

Jim.

From: William Brodie
To: James Roche
Sent: April 25, 2002
Subject: RE: US News

Yes, Camelot is always a 'brief, shining moment.' Iorizzo is no King Arthur, or even a Lancelot. If we can get through this goddam fight about tankers, we'll have another Camelot in the AF.

From: James Roche
To: William Brodie
Sent: April 25, 2002
Subject: RE: US News

I hope I didn't spoil the opera for you. I think Wally is still talking. We left. It was very much of a Westinghouse affair.

Jim.

From: William Brodie
To: James Roche
Sent: April 25, 2002
Subject: RE: US News

Okay, I've gone to battle stations. Leroy knows and will call friendly staffers like Cortese to give them a heads up, and perhaps to do something. I saw Rudy DeLeon at the Kennedy Ctr and politely asked the Great White Arab Tribe of the North to unleash their falcons on out behalf for once. And, I talked to Loren, who is standing by to comment to this reporter about the national security imperatives of tanker modernization. Vago is also standing by. I will get with Sambur first thing to rehearse talking

points. Will get with you before we talk to the reporter.

Say hi to Wally.

From: James Roche
To: William Brodie
Sent: April 25, 2002
Subject: RE: US News

The call was from a very senior guy at the rag. I've talked to Marv and told him to hook me in sometime between 10:00 and 10:30 tomorrow. Thanks much.

Jim.

From: William Brodie
To: James Roche
Sent: April 25, 2002
Subject: RE: US News

I think your original guidance was right. Secaf takes first Q on when did we know, and you both take the second. We can do by phone tomorrow. We shouldn't get too excited, there is no expose. Just certain scare mongers.

From: James Roche
To: William Bodie
Sent: December 13, 2001
Subject Fw: 767 lease

Damn it! JGR.

From: Marvin Sambur
To: James Roche
Sent: December 13, 2001
Subject Fw: 767 lease

Yesterday, I was asked to prepare an enhanced point paper on the 767 lease for the Vice. The number that was given to me from AQ on this enhanced paper were different from those developed for the point paper prepared for you. I questioned these numbers and received fuzzy answers in return. I decided to do the calculation myself using an excel spreadsheet. I found to my dismay that the numbers were correct according to the OMB definitions but very misleading in a true financial sense. The deal was not good from a true financial basis and I briefed the Vice at 7:30PM of the misleading nature of the numbers and advised my people that we needed to get a better deal from Boeing to make this financially attractive.

Nelson Gibbs reached the same conclusions.

I need to make sure that in the future our financial calculations are both accurate and business based. I am sorry for not catching this sooner!

Marv.

From: James Roche
To: William Bodie
Sent: December 13, 2001
Subject: RE: Several items

Bill, thanks much. I like the ROE charts a lot. Well done. I want to brief the one with XI, and I've sent John a msg asking whether or not we should refer specifically to the C2ISR Center being double-hatted. Re 767, I am hearing of some weakness in our numbers, damn it. I'll forward Marv's msg to you. We may want to have Rand be ''more circumspect'' in a reply. Re Chip, he is wonderful, but would have the same problem with the PA&E spores that Barry has.

Jim.

From: William Bodie
To: James Roche
Sent: December 13, 2001
Subject: RE: Several items

BOSS: Hope the trip is going well, and we'll save some eggnog for you. Bill Davidson's gang is faxing you a couple of charts and ''ROE'' on headquarters reorg that we are set to announce along with the Army next week. Reason for the fax is to get your input prior to briefing Hill folks in time to make the announcement. The charts are fine for the Hill and they satisfy all Title 10 concerns. I worry that folks internally will get the impression that we're tinkering at the edges, not transforming. One battle at a time, I guess.

Oh, I'm polishing up a draft article for your signature on ''AF transformation'' that is set to appear in the next issue of Joint Force Quarterly (I got them to commit to putting the F22 on the cover). Will send you electrons and also have hard copy for you when you return.

Rand working on a response for Novak on 767—we still might want to think about a 5 minute conversation between you and Novak on it.

Had dinner with Chip last night. He wanted me to pass on his best to you, and is proud you're doing Bob Anthony's event. He seems to have made peace with the idea of doing strategic planning, NCTA, etc., ceding marketing to Carpenter. I would put in him charge of the DC Office if I were Sugar, or at least a major supporting role in govt. relations. Maybe he should fo PA&E!

Bill.

From: James Roche
To: William Bodie
Sent: March 30, 2002
Subject: RE: Tanker story

Fine story. EADS is quoted. And Loren's comment basically is fine.

Jim.

From: William Bodie
To: James Roche
Sent: March 30, 2002
Subject: RE: Tanker story

Vernon Loeb's piece is in the back of the sports section in today's WP. The ''statement'' he refers to is the RTQ which the LL guys made available to staffers on request. Not a bad story, no errors, but not as good as Vago's. Loren apologizes for saying you told him that all KC135s need to be replaced on a 1 for 1 basis. He didn't think it would be in the piece.

From: Custer Scott MajGen
To: James Roche
Sent: March 30, 2002
CC: Jumper John Gen AF/CC; Moseley Michael Gen AF/CV
Subject: NDAA

Sir, it looks like the Auth bill will go to the floor today. As suspected, the bill language may not be what the lawyers and acquisition folks think we need to sign the lease. However, the early conference report language looked to me like it contains all we need to proceed. We are just going to have to wait until later today to see how this turns out. My gut feel is that each document was written for precise reasons (to pacify certain factions) and that ultimately we will be able to execute the lease/buy as we want it done. It also looks like we are only going to be able to retire 12 vs 44 135E's in FY)$ . . . even after all of our attempts to engage the Hill on this I'm not surprised as this is really a BRAC optics issue. As we get more visibility into the NDAA, we will provide you with a summary of other major issues affecting the AF.

From: John Jumper
To: James Roche
Sent: April 9, 2002
Subject: RE: Tanker Article

Agree, I don't think there was malice, but the wording of his statement could be used as evidence against out efforts. As you said this morning, we just have to articulate the problem we are trying to fix.

John.

From: James Roche
To: John Jumper
Sent: April 9, 2002
Subject: RE: Tanker Article

John, even Dick would want us to begin to retire 43 plus year tankers which will be about 47 to 50 years by the time we actually replace them. At least, I think he would!

Jim.

From: John Jumper
To: James Roche
Sent: April 9, 2002
Subject: RE: Tanker Article

BOSS: you'll see this morning's EB has a statement from Dick Myers that says the tanker fleet we have can fully meet requirements now and out into the future, suggesting we don't have the problem with tankers we claim to have. We are bound to be asked this and I have our people working on a response.

John.

From: James Roche
To: Robin Cleveland
Sent: April 28, 2003
Subject: RE:

Ok, I'll speak with Paul on Wednesday (I'm off to speak yet again with my Little Darlings at the Academy). Let's see if we can put together a Gov't Team for Best and Final. Re IDA, I'd never go to them for investment banking advice! And Larry has been altogether too detached. When all is said and done, it's still a negotiation between the Monopsonist (the USG) and the Monopoly (add the French, and it's the Duopoly).

Jim.

From: William Bodie
To: James Roche
Sent: January 2, 2002
Subject: RE: Dear Bob

BOSS: here's a cut at a letter to Novak (remember, this is not for him to publish, but hopefully to shut him up). Still waiting for Rand to give details on name of Novak's person who called PA and when.

Bill.

From: Pete Aldridge
To: James Roche
Sent: May 16, 2003
Subject: RE: Boeing

I agree.

From: James Roche
To: Pete Aldridge
Sent: May 16, 2003
Subject: RE: Boeing

Thanks, Pete. I cannot bring myself to speak to That Person, so I'll only forward a copy of whatever Boeing sends us on Monday.

It's time DoD made a decision as to what is right for our Combat Air Forces.

Jim.

From: Pete Aldridge
To: James Roche
CC: Dr. Marvin Sambur
Sent: May 16, 2003
Subject: RE: Boeing

Great. According to Paul's schedule he will not be back until Tuesday. I will set it up for then.

From: James Roche
To: Pete Aldridge
Sent: May 16, 2003
Subject: RE: Boeing

Pete/Marv. Boeing will provide us a 15% max profit certification with audit on the green plane. Phil is fighting off attempts by his commercial guys to add economic clauses (with our help). We should have something on Monday morning. Pete, do you want to make the appointment with DepSecDef? We now have a fixed price deal with taxpayer

protection against overruns or windfall profits from the plane and/or the mods. Enough already.

Jim.

From: James Roche
To: Marvin Sambur
Sent: May 13, 2001
Subject: RE: 767 lease

Oh shit! PLS fix ASAP. How did Darleen miss this?

Jim.

From: Marvin Sambur
To: James Roche
Sent: May 13, 2003
Subject: RE: 767 lease

Yesterday, I was asked to prepare an enhanced point paper on the 767 lease for the Vice. The number that were given to me from AQ on this enhanced paper were different from those developed for the point paper prepared for you. I questioned these numbers and received fuzzy answers in return. I decided to do the calculation myself using an excel spreadsheet. I found to my dismay that the numbers were correct according to the OMB definitions but very misleading in a true financial sense. The deal was not good from a true financial basis and I briefed the Vice at 7:30PM of the misleading nature of the numbers and advised my people that we needed to get a better deal from Boeing to make this financially attractive.

Nelson Gibbs reached the same conclusions.

I need to make sure that in the future our financial calculations are both accurate and business based. I am sorry for not catching this sooner!

Marv.

From: Druyun, Darleen., SAF/AQ
Sent: Wednesday, October 09, 2002 8:17 AM
To: Roche, James, Dr., SAF/OS; Jumper, John, Gen, AF/CC; Sambur, Marvin, Dr., SAF/AQ; Foglesong, Robert, Gen, AF/CV; Wehrle, Joseph H. Jr., Lt Gen, AF/CVA; Plummer, Stephen B., LtGen, SAF/AQ; Gibbs, Nelson, Mr, SAF/IE
Subject: OSD BRIEF TO LEASING WORK GROUP

We were asked if we thought the Congress would give us; language on the termination liability coverage. We told them we did not know and would have wait for the FY 03 appropriations to be passed by the Congress. Privately I would tell you that the language we asked for is supposed to be in the bill per several telecons from the hill. This is still fairly ''close hold''. Once they digest this material they will reconvene a follow on meeting. Meanwhile we will continue to work this subject with OSD and try to win them over, including OMB. Col DeWillis from SAF/AQQ has an excellent working relationship with the OMB and continues to work closely with them. Will keep you posted.

To: Wynne, Michael, Mr, OSD–ATL
Cc: Sambur Marvin Dr SAF/AQ
Sent: Tuesday, Jul 08, 2003
Subject: Re: FW: Footnote

Mike I don't like it. Why? Because we don't agree with the calculation! As important, it fails to give an alternative, lease supportive case where the NPV is positive! If the addition to the footnote added: ''. . . Similarly, if blah blah, then the NPV would favor a lease by $$$.'' As this stands, it is embarrassing to you, me, and the SecDef. Sen McCain and others who oppose the lease will leap to this number! Why is this so hard for you to see, Mike? Further, the footnote misses Pete Aldridge's point that this is a hypothetical since the Air Force doesn't have the BA to enter into such a multiyear contact, even if the Congress bent its rules to do so without limited production!

Marv, what do you think? Pls get together with Mike to come up with a more palatable and balanced version of the footnote. Jim.

DR. JAMES R. ROCHE,
Secretary of The Air Force.

From: Wynne, Michael, Mr, OSD–ATL
To: Roche, James Dr SAF/OS
Sent: Tue Jul 08 17:04:31 2003
Subject: FW: Footnote

JIM, I've gotten the 1.9B relegated to a footnote and I've made an agreement with OMB so that we can proceed. You can sign it in the morning if you agree if not I'm not sure what to do. Meeting with DSD went fine. Most are hoping that you refuse to sign. I told them not so fast.

Best Mike.

From: Spruill, Nancy, Dr, OSD–ATL
Sent: Tuesday, July 08, 2003 4:19 PM
Cc: Spruill, Nancy, Dr, OSD–ATL
Subject: Footnote

MIKE. This is what I have copied for your convenience.

Thanks.

Nancy.

The footnote is to the sentence that says:

Applying the A–94 test, it was determined that the net present value of the multiyear lease option and a traditional purchase option results in a NPV favoring a purchase of $150 million, as shown in Table 1(1).

FOOTNOTE: [1] In evaluating the net present value of the lease and purchase options as required by OMB Circular A–94, the Air Force relied on the availability of mulityear lease authority granted by Congress in 2002 Defense Appropriations Act. Had the Congress chosen instead to provide mulityear procurement authority the NPV could favor purchase by up to $1.9 billion. While this information affords a measure of clarity in an equitable comparison of terms and NPV, it is provided with the understanding that multiyear procurement authority was not available and therefore not a viable option for the Administration's analytical consideration.

From: Sambur Marvin Dr SAF/AQ
Sent: Tuesday, July 08, 2003 9:58 PM
To: Roche James Dr SAF/AQ
Subject: Fw: Tanker Leasing Report to the Congress

BOSS. Just received this from Nancy. It is worth a shot speaking to Robin or are you like me in that you would rather take poison.

Marv.

From: Spruill, Nancy, Dr, OSD–ATL
To: Hodges William Maj Gen (S) SAF/AQQ
CC: Spruill, Nancy, Dr, OSD–ATL; Schroeder, Wayne, OUSDC
Sent: Tue Jul 08 21:49;50 2003
Subject: Tanker Leasing Report to the Congress
Marv/ Wayne H.

I believe Dr. Roche is not happy with the compromise. So I believe it is now between Dr. Roche and Ms. Cleveland. As far as I know. we're in limbo. I'm sure something will change tomorrow. But I'm optimist.

Thanks.

Nancy.

From: Hodges William Maj Gen (S) SAF/AQ
Sent: Tuesday, July 08, 2003 4:51 PM
To: Sambur Marvin Dr SAF/AQ
Cc: Spruill, Nancy, Dr , OSD–ATL; Buhrkuhl, Robert, Dr, OSD–ATL; Schroder, Wayne, OUSDC: Schoonover, Joanne, Col. OSD–ATL; Jones, Raymond, LTC, OSD–ATL; Nemetz, Robert, Mr, OSD–ATL; Custer Scott MajGen SAF/LL; Christ Gregory M Lt. Col SAF/LLW; Bunce Pete Col SAF/FML; Ryan Jim Lt. Col SAF/FML; Barefield James Lt. Col SAF/AQ; Beierle Mark T Lt. Col SAF/AQ; Corley John Lt. Gen SAF/AQ; Gray Stephen Col SAF/AQ; John Lt Col SAF/AQ Fisher (Email); Murphy Mark Lt. Col SAF/AQ; Canavan Michael F Maj AFPEO/AT; Ted Bowlds (Email); Allen Cheryl Lt. Col SAF/AQQM; Cloud Patricia Lt. Col SAF/AQ; Haenisch Allan Civ SAF/AQQM; Leister William Maj SAF/AQQM; Lively Nancy LtCol. SAF/AQQ; Rivard James T Col SAF/AQQM; Stipe Paul Col SAF/AQQ
Subject: FW: Waiver of Termination Liability

DR. SAMBUR: As you will see below, OMB will support the language OSD proposed if we support adding the OMB text as a footnote. I clipped it from previous emails so you can see it all together here. Mr. Wynne approved.

Request your approval. (We're ready to go final and send the package to SAF/LL for Dr. Roche's signature.)

From: Spurill, Nancy, Dr , OSD–ATL
Sent: Tuesday, July 08 , 2003 4:05 PM
To: Hodges William Maj Gen (S) SAF/AQQ; Sambur Marvin DR SAF/AQ
Cc: Leister William Maj SAF/AQQM; Buhrkuhl, Robert, Dr, OSD–ATL; Schroeder, Wayne, , OUSDC; Schoonover, Joanne, Col, OSD–ATL; Spurill, Nancy, Dr, OSD–ATL; Jones, Raymond LTC, OSD–ATL; Nemetz, Robert, Mr, OSD–ATL
Subject: FW: Waiver of Termination Liability

Marv/ Wayne
Over to you.

I'm sure Mr. Wynne is willing to talk w/ you.

I hope you come onboard.

If you do, I need a clean copy of the report, OMB has asked for one—for their internal use only.

Thanks.

Nancy.

From: Wynne, Michael, Mr, OSD–ATL
Sent: Tuesday, July 08, 2003 3:55 PM
To: Spurill, Nancy, Dr, OSD–ATL
Subject: Re: Waiver of Termination Liability

From: Robin-Cleveland
Sent: Tuesday, July 08, 2003 3:33 PM
To: Michael, Wynne
Subject: Re: Waiver of Termination Liability

Yes make it a footnote and we got a deal.

From: Sambur Marvin Dr SAF/AQ
Sent: Tuesday, August 26, 2003 7:59 AM
To: Szemborski, Stanley R., VADM, OSD–PA&E
Cc: Krieg, Ken, CIV, OSD–PA&E; Zakheim, Dov Hon, OSD–COMPT: Roche James Dr SAF/OS; Wynne Michael, Mr, OSD–ATL, McNabb Duncan Lt. Gen AF/XP
Subject: $2B Issue with PA&E

STAN: At my staff meeting this morning, my folks again (see email below) reported that PA&E was pushing our folks for sources for the $2B upfront payment for the lease. As I mentioned at our previous meeting on this subject, the AF was told by Mr. Aldridge that this payment would come from DOD ''reserves'' and Aldridge still reiterates that position. In an event it is too early to start the process. In addition, Mr Zakhiem stated at the earlier meeting that he has no ''reserves'' but will seek sources for the $2B from ALL the Services. We can call another

meeting (with Aldridge) to addresses the issue if that is not your understanding

Marv.

From: Stipe Paul Col SAF/AQ
Sent: Monday, August 11, 2003 3:54 PM
To: Sambur Marvin Dr SAF/AQ
Cc: Corley John Lt. Gen SAF/AQ; Gray Stephen Col SAF/AQ; Barfield James Lt. Col SAF/AQ; Fisher John Lt. Col SAF/AQ; Rivard James T Col SAF/AQQM; Hodges William Maj Gen SAF/AQQ; Marzo David Maj SAF/FMCE; Louden Philip LtCol with PA&E
Subject: Head's Up on Tanker 42B Issue with PA&E

SIR: Just to keep you in the loop, PA&E is still trying strong-arm tactics with our programmers concerning the $2B funding excursion mentioned in the 767 Congressional Report as an out year option for shaping the budget bow-wave. As you may recall Mr. Wynne told us that the AF should consider this new money. That aside, it is premature (in FY03) to be working a program budgetary change on a program that has not yet been approved. Further, decisions on FY08 actions can be addressed in 2006. Finally, as an operating lease, we would need some indication from Congress that they intend for us to buy these aircraft for a buy-down scenario to become a reality. The report did not commit us to the path, but rather, committed the Department of Defense to exploring options like these in the future if it becomes necessary, The $2B excursion was one such option. We expect AF/XP to bring this issue to your attention. We have already been working with their actions to provide background, and to indicate that this appears to be an initiative from PA&E, not from OSD as a whole, or from AT&L.

V/R,

PAUL M. STIPE, COL, USAF,
Deputy Director, Global Reach Programs.

From: Aldridge, Pete, Hon, OSD–ATL
Sent: Monday, November, 04, 2002 1:22 PM
To: Wynne, Michael, Mr, OSD–ATL: Lamartin, Glenn, Dr, OSD–ATL: Diane, Ms, OSD–ATL
Subject: Tankers and B–52's

Steve Cambone tells me that PA&E is coming out against the tanker lease. Their problem seems to be the infrastructure costs modifying and maintenance facilities to bed-down the 767, vice 135s. I do not recall that the KC–10s caused that much problem.

Also, I need a short paper on the B–52 re-engining study done by the DSB. Apparently, they are coming out in favor of doing this primarily because of the positive impact on the tanker fleet. I understand that the study is in a draft form now.

From: Aldridge, Pete, Hon, OSD–ATL
Sent: Tuesday, November 12, 2002 5:11 PM
To: Cambone, Stephen, CIV, OSD–PA&E; Szemborski, Stanley R., RADM, OSD–PA&E
Cc: Spurill, Nancy, Dr, OSD–ATL; Lamartin, Glenn, Dr, OSD–ATL
Subject: KC–135 Recap Issue Paper

Steve/Stan; I just reviewed the KC–135 Recap paper. It is a very good and convincing. Based on the analysis I would support Option 3—Convert the E's to R's, and defer new tanker procurement (or lease).

In a related issue, the DSB just completed a study on the re-engineering the B–52. Unlike past studies, which showed that this was not cost-effective, this new study took into account the impact on tankers. The result is a much more favorable analysis supporting such a plan. This would further increase tanker availability for other uses. I am to receive a paper and briefing and may have a more definite position soon.

From: Spurill, Nancy, Dr, OSD–ATL
Sent: Tuesday, November 12, 2002 9:22 PM
To: Aldridge, Pete, Hon, OSD–ATL; Link, Jon, Col, OSD–ATL; Wilson, Charles, CAPT, OSD–ATL; Lamartin, Glenn, Dr, OSD–ATL; Buhrkuhl, Robert, Dr, OSD–ATL; Aucoin, Cassandra, Ms, OSD–ATL
Subject: RE: Tanker Leasing

SIR: Re: tanker leasing, in addition to PA&E, CAIG, OMB, and Comptroller are trying to decide whether to support leasing or not but have not gotten all the information they need yet from AF. AF is suppose to give it to the leasing review panel working group this week.

Once we get the information from AF it will take several more weeks-the CAIG is the long pole in the tent.

If we go with the reengining of KC–135Es/converting them to Rs, as you suggest, the purchase vs. lease issue could be addressed much more deliberately in POM 05.

You can give us further guidance when we see you at 0800 Wednesday am.

V/R,

Nancy.

From: Glenn Lamartin OSD–ATL
To: Pete Aldridge OSD–ATL
CC: Nancy Spruill; Diane Wright; Jon Link; Charles Wilson
Date: November 12, 2002
Subj: B–52 Re-engining

We are preparing the paper you requested and the short briefing that will make the case. We just got a copy of the DSB task force's executive summary and will work with them to make sure that we get the details right.

Glenn.

From: Pete Aldridge
To: Michael Wynne, Glenn Lamartin, Diane Wright
Date: November 04, 2002
Subj: Tankers and B–52s

Steve Cambone tells me that PA&E is coming out against the tanker lease. Their problem seems to be the infrastructure cost of modifying hangers and maintenance facilities to bed-down the 767, vice 135s. I do not recall that the KC–10s caused that much problem.

Also, I need a short paper on the B–52 re-engining study done by the DSB. Apparently they are coming out in favor of doing this primarily because of the positive impact on the tanker fleet. I understand that the study is in a draft form now.

DRU SJODIN NATIONAL SEX OFFENDER PUBLIC DATABASE ACT OF 2004

Mr. HATCH. Mr. President, I rise today to commend my colleagues on passage of S. 2154, Dru's Law. After last year's abduction of Dru Sjodin in North Dakota, Senator DORGAN introduced this bill to address a problem with our sex offender registry. The problem is simple, yet great: There is no public national sex offender registry. Each State maintains its own registry of sex offenders, but there is no national database for the public to search.

I was pleased to support this legislation when it was referred to the Judiciary Committee and was happy to work with Senator DORGAN to improve the language of the final bill. Dru's law directs the Attorney General to make available to the public, via the Internet, a national registry of sex offenders. It also requires each State to provide timely notice to the State's attorney general of the impending release of a high-risk sex offender; and upon such notification, the State's attorney general is required to consider whether to institute a civil commitment proceeding. States must intensively monitor for at least 1 year any high-risk sex offender who has not been civilly committed and has been unconditionally released from incarceration.

I want to thank my colleague Senator DORGAN for his dedication to this legislation.

SENATE FAILS NATIVE AMERICAN ENTREPRENEURS

Mr. JOHNSON. Mr. President, I am pleased that Congress will soon complete it's work on the remaining fiscal year 2005 Appropriations measures. While this bill is not perfect, it represents an important and sincere effort to work in a bipartisan effort to fund the nations goals and priorities.

I am, nonetheless, sincerely disappointed that extensive authorization language regarding the Small Business Administration was inappropriately inserted into this important bill. The inclusion of this language is a deliberate and deceptive effort to circumvent the legislative process. It prevents honest and important debate about important issues that face this Nation, and ultimately it characterizes an enormous failure on behalf of the bill's authors.

A quality SBA reauthorization bill could stand on it's merits. The bill's authors would come to the floor and deliberate these matters openly. We would have an honest discussion about how to best serve the entrepreneurial interests of our country. We would pursue a full and complete review of these matters by all Members, and we would seek to enhance and improve the bill in every way we could.

Unfortunately, this bill is terribly lacking. So the sponsors have chosen to hide it in this Omnibus Appropriations bill and walk away from their responsibility to the entrepreneurs of America.

This is a shameful perversion of the legislative process. However, these matters will become law, not because Congress has debated and passed this bill on behalf of the American people, but because it was attached to a bill funding nearly every spending program that exists in the country.

The plight of the first-Americans and reservation communities is among the most glaring and disappointing omissions to this SBA reauthorization legislation. These communities remain among the most disadvantaged and disenfranchised in the nation. They face significant barriers to investment capital, technical assistance, and related entrepreneurial opportunities.

The concerns of Native Americans are not addressed in this legislation. Their opportunities will not be enhanced in this legislation. There will

be no debate or discussion about initiatives to bring prosperity to their communities. In fact, any reference to Native American and tribal concerns is utterly lacking.

This is a disturbing oversight, it is a tremendous failure, and I could not be more disheartened on behalf of those who continue work to overcome the serious challenges they face in bringing prosperity to their communities.

BILL CLINTON—A PLACE IN HISTORY

Mr. KENNEDY. Mr. President, many of us had the opportunity to be in Little Rock, AR, yesterday for the opening of former President Bill Clinton's Presidential Library. It was an extraordinary and very moving ceremony, and all of us who were there will always remember it.

That evening, to conclude such an extraordinary day, ABC News broadcast a special edition of its popular television program, ''Primetime Live,'' an hour-long interview of President Clinton by Peter Jennings about the President's new library, his years in office, and his plans for the future.

I believe all my colleagues will be interested in the interview, and I ask unanimous consent that a transcript may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRIMETIME LIVE—A PLACE IN HISTORY, ABC NEWS, NOVEMBER 18, 2004

PETER JENNINGS: Tonight, America's 42nd president. His library, his legacy and his future. ''A Place in History.''

Hello, everyone. I'm Peter Jennings. And this is the very modern edge of Bill Clinton's Presidential Library, on the banks of the Arkansas River. We are here this week for a first tour of the library. And a conversation with Mr. Clinton about his presidency and about his future. The building is, well, appropriately dramatic, for a man whose presidency was dramatic and divisive, and full of accomplishment.

CHELSEA CLINTON, DAUGHTER: I hereby present to you and the American people, the keys to the William Jefferson Clinton Foundation Center and Library. Thank you.

PETER JENNINGS: President Clinton calls this place on the banks of the Arkansas River, a bridge to the 21st century. It is the largest and most expensive Presidential library. This week, Little Rock is crowded with people who are attracted by the Clinton magic.

LOCAL RESIDENT, FEMALE: He's a uniter. And I just love him.

LOCAL RESIDENT, MALE: He's a credit to Arkansas, as well as a credit to the nation.

PETER JENNINGS: With all the Democrats there, it has the slight feel of a political convention. The people there from Washington and Hollywood, and Arkansas, of course. In a Little Rock concert hall, one of the President's friends celebrates.

ARETHA FRANKLIN, SINGER: He seems to have the goodwill and interest of all the people.

PETER JENNINGS: His recent heart surgery notwithstanding, Mr. Clinton had several events to go to in the last few days. The swearing in of public service volunteers at Little Rock Central High School. And today, the dedication.

EMCEE, MALE: Ladies and gentlemen, the President of the United States, former Presidents William Jefferson Clinton, Jimmy Carter, and George Walker Herbert Bush.

FORMER PRESIDENT JIMMY CARTER: Bill Clinton brought insight, wisdom and determination to bear on the issues that he addressed.

FORMER PRESIDENT GEORGE H.W. BUSH: Through his indefatigable determination, not only did he lift himself and his family up, he also went on to touch the lives of millions of people around the world, as President of the United States, giving them hope.

PRESIDENT GEORGE W. BUSH: The William J. Clinton Presidential Library is a gift to the future by a man who always believed in the future. And today, we thank him for loving and serving America.

PETER JENNINGS: Bill Clinton has been planning his Presidential library ever since he was in the White House. At the beginning of September, for a few days before his heart surgery, well, he might have missed the opening.

Is it true that if the prospect of death is suddenly more apparent, that your attitude towards life changes?

FORMER PRESIDENT BILL CLINTON: I think it's changed mine. But not in the way it does some people. Apparently most people have a period of depression. Perhaps because it's the first time they've ever confronted their own mortality. But since my father died before I was born, and I've been living with death all my life, I have never viewed it with the morbid fear some people do. On the other hand, if you dodge a bullet like I did—and, you know, I was about to leave on a 21-day, 6-nation tour of Asia, to help my foundation and promote my book. I think I'd probably have had a heart attack. Might well have died. When that happens, you have to ask yourself, ''Well, you got a little extra time here. What are you going to do with it?'' And so, today, when I take these hourly walks that are part of my recovery, you know, when I walk past 40 trees, I can probably tell you what color 30 of them were. You know, I find birds that I used to miss. I'm more alive to just the pace of daily life than I used to be. And I'm very grateful for things that are easy to take for granted.

PETER JENNINGS: First of all, has it turned out how you wanted it to turn out?

FORMER PRESIDENT CLINTON: Yes. By and large, it has.

PETER JENNINGS: You clearly love it.

FORMER PRESIDENT CLINTON: I do. You know, I worked really hard on this. I literally approved every word.

PETER JENNINGS: Down the center of the library are eight dramatic panels, each one a time line for a year of his presidency. And on the back, interactive computer screens that allow visitors to call up videos of important moments, documents on policy, even the President's schedule, for every day of his eight years in office. On the outer walls, 18 separate alcoves. Each one devoted to a different theme that defined his presidency. There is a huge amount of interactivity.

FORMER PRESIDENT CLINTON: Huge. A lot of it. Thousands and thousands of things that people can pull up. But here, this is how we dealt with the major religious, racial, ethnic conflicts of our time. This is Northern Ireland.

PETER JENNINGS: Middle East.

FORMER PRESIDENT CLINTON: This is the Middle East and what happened there. There're some artifacts there.

PETER JENNINGS: Former Yugoslavia.

FORMER PRESIDENT CLINTON: These are the Balkans. Bosnia and Kosovo. And a letter to a person—I know how much you cared about this. That's a letter I got from—you remember her? The young girl that wrote the book.

PETER JENNINGS: I do. These are all leaders with whom you worked.

FORMER PRESIDENT CLINTON: That's right.

PETER JENNINGS: Who was the toughest to negotiate with?

FORMER PRESIDENT CLINTON: Oh, I don't know. All these guys were my friends, you know.

PETER JENNINGS: Well, what does that mean, they were your friends?

FORMER PRESIDENT CLINTON: Well, I mean, they were my friends. I liked them personally. And I felt that we were always working for the same ends, even when we disagreed.

PETER JENNINGS: What was it like? For example, Boris Yeltsin didn't speak English.

FORMER PRESIDENT CLINTON: No.

PETER JENNINGS: And did you simply become accustomed after a while to having that third voice, the interpreter between you?

FORMER PRESIDENT CLINTON: We had a wonderful interpreter, who was there most of the time. An American. And I got to know his Russian interpreter. And they became like a member of our relationship. It's funny. You just learn to deal with it. Yeltsin, I thought, had extraordinary strengths. Everybody knows he had some weaknesses. But he was completely committed to democracy. Completely against Communism. And completely committed to having positive relationships with the West.

PETER JENNINGS: Somebody told me the other day, sir—I was in Ramallah for Arafat's funeral. This is a slightly embarrassing question, perhaps. Somebody told me that when you and he and Barak were meeting in those final days, he'd asked you that if things didn't go well, that you not blame him publicly.

FORMER PRESIDENT CLINTON: At Camp David in June, he asked me that. And I said I won't, because we still have six months to go. Let me tell you what happened. The reason that I put in so much effort, and the reason I got so angry about this, because we were also at the same time trying to end North Korea's missile program, is that I personally asked Arafat again, six weeks before I left office. I said, now, you just tell me, I'm going to put a deal out here. It's going to be really hard for Israel. And if you accept it, then we can say that's the basis of a peace that we'll either finish by the time I leave, or right after. I said, do you intend to get a deal before I leave office? I said, 'cause otherwise, you gotta let me go to North Korea and Asia. 'Cause I only have six weeks left and I can't do both. It was the only time he ever cried in my presence. He said, you have to do it. He said, if we don't make peace now, after all the trouble that you've taken and all the things we've done together, it'll be another five years and countless deaths before we make peace. So, I took him at his word. I stayed. I got the deal. I think he intended to do it. But for whatever reason, he didn't.

PETER JENNINGS: Nelson Mandela.

FORMER PRESIDENT CLINTON: He's wonderful. And you know, his image is as the world's saint. The truth is, he's a saintly man but he's also a very tough and shrewd politician. And a very, very loyal friend. He is a ferociously loyal friend. And he was fabulous to me the whole time I was there. And he was a great President. But these are just people from around the world that I had good relationships with, that I think are fascinating and that I admired. Of course, Rabin and Hussein I just love. I loved Rabin as much as I ever loved another man. I had

an unusual relationship with him. And I never met anybody like him.

PETER JENNINGS: Can I ask you a couple questions about Iraq? You said at one point, I'm not precisely sure when, that Iraq will do pretty well when Saddam Hussein is gone. Want to revise that at all?

FORMER PRESIDENT CLINTON: Well, I think that even I underestimated the level of opposition, at least given the troop strength we had there. You know, my position on the Iraq war was different from almost everybody else's that I've heard talking. And I supported giving the President the authority to take action against Saddam Hussein, if he did not cooperate with the UN inspectors or if he was found to have had weapons of mass destruction he wouldn't give up. I did believe that the Administration made a mistake going to war when they did. And that's what alienated the world. And most Americans still haven't focused on this.

PETER JENNINGS: Iraq does not look good at the moment. Do you think the United States could lose there?

FORMER PRESIDENT CLINTON: Oh, I suppose we could. But I don't think we will. I don't think we will. I think that the President's re-election gives him an opportunity, first of all, to ask for and get more help from other countries. Senator Kerry made a suggestion, in the campaign, that I think he should consider. He should consider going to the Congress and asking for the authority and the budget to increase the size of the Army, even if we have to pay a little more to recruit them. And between getting more help and sending more troops, to try to shore up more places. I think, ironically, we'll be able to get our troops out quicker if, in the short run, we have more there.

PETER JENNINGS: Is there some code among ex-Presidents, about what you say about the current President, as an ex or former President? Are you constrained about what you can say?

FORMER PRESIDENT CLINTON: Well, I think there has been. But I think there are reasons for that. We've all made our own mistakes and then we've all been told that we were finished and full of mistakes when we weren't. So, I think we're just a little reluctant to do that. You know, my job is not the same thing as yours, for example. Your job is to question what Presidents do, and whether it will work. Former Presidents, our job, I think, is to try to make America and the world a better place.

PETER JENNINGS: Walking through this two-story hall, it is clear, as in all Presidential libraries, that this is the life and times of the President, presented as he most wants to be remembered. In his words and on his terms.

FORMER PRESIDENT CLINTON: This is about the new threats, 21st century threats. So, this is what we did on weapons of mass destruction, and the work we did around the world to try to secure the stocks of weapons of mass destruction. And this is what we did on nonproliferation, modernizing the military and getting new weapons there. And this is a section on terror.

PETER JENNINGS: Why did you put the ten most-wanted poster in here of Bin Laden? You've been taking flak on bin Laden.

FORMER PRESIDENT CLINTON: Yeah, but not from anybody who knows the facts. I mean, to be fair, most of it was highly political. If you look at the 9/11 Commission's report about what we did and how we prepared for, we had 9/11–style threats for the millennium. And the extent of preparations and the work we did. The number of terrorists we brought to justice. The 20 al Qaeda cells we broke up. If you look at all that and the fact that we apparently came closer to getting Bin Laden than anybody has since, even though they have a lot more options, military options that we had. I wish that I had gotten him.

PETER JENNINGS: There are stories around, as you know, that the Sudan offered him to you, not once, not twice, but three times. Any truth to that?

FORMER PRESIDENT CLINTON: That's not true. It's not true, and I've done everything I could to run that down. It is simply not true. They were always playing a double-game, the Sudanese. The guy running Sudan was in business with Bin Laden. And we did try to get him out of there because, at the time, Sudan was worse than Afghanistan as a harbor for terrorists. But they never offered him to us. At least I can't find it in any document, talking to any person. The first time I heard that, I went to an extraordinary amount of trouble to find out if it was true, and I urged the 9/11 Commission to try to find out if it was true. I just don't believe it's true.

PETER JENNINGS: This library has been a labor of love for President Clinton. He was involved in every detail. Hours before it opened, he was still telling the architect, James Polshek, and the designers, a little corrections he wanted made here and there.

Did you fuss a lot?

FORMER PRESIDENT CLINTON: A lot.

PETER JENNINGS: I mean, when it was over, did they think you'd been a pain in the neck?

FORMER PRESIDENT CLINTON: I think so. They now say I was a perfect client. But Polshek said I was the only guy he ever had who would go away for three or four months and come back, and if he changed one line on the drawing, I would know. And I said, well, you know, I care about this. I want it to work.

PETER JENNINGS: Why did you want this here, in this particular place, on this bank of the river?

FORMER PRESIDENT CLINTON: Well, first of all, I wanted it to come home to Arkansas because these people made me President. And I wanted it here. I wanted it to be in the heartland, in the middle of the country, where people don't have access to things like this, so they could learn about their government, how it works, what the decisions were. And I wanted it on this river because I love this river. It was a big part of my childhood. I first swam in this river, 40 years ago or more.

PETER JENNINGS: You're saying that your soul is still in Arkansas, even though you live in New York?

FORMER PRESIDENT CLINTON: Well, a lot of me is still here and always will be. And I will come home a lot. I'll be here a lot.

PETER JENNINGS: There is an apartment and an office for him on the top floor. This is the largest of all 12 Presidential libraries. And at $165 million, certainly the most expensive. Mr. Clinton has visited many of the other libraries. His architects have studied them all.

JAMES POLSHEK, CLINTON LIBRARY ARCHITECT: Each Presidential library takes on certain characteristics of the President. So that Johnson's is very imperial. Kennedy's is elegant. Reagan's is folksy. You know, and Bush gets the word hokey. Clinton's is very progressive, very forward-looking.

PETER JENNINGS: The President refers to the architecture here as like a bridge to the 21st century. Which was, you'll remember, his theme in office. Like other libraries, it has millions of documents available to historians and thousands of presidential gifts and other mementoes for us all to see. Every library seems to have some sports equipment. And invariably there are Presidential vehicles. Mr. Clinton has a Presidential limo right inside the front door. John F. Kennedy's library has his sailboat. George Bush's library has a fighter bomber, similar to the one he flew in World War II. The Reagan library has the Boeing 707 Mr. Reagan used as Air Force One. Presidents love it, of course, when people visit. President Johnson had a novel way of suggesting to football fans at the nearby University of Texas that they come on over.

MICHAEL BESCHLOSS, PRESIDENTIAL HISTORIAN: Johnson had ordained that an announcement be made at half time saying, anybody who wants to use the bathroom or get some cool water can get it at the Johnson Library across the street. Thousands of people flowed through the front doors. And by the end of 1971, the Johnson Library was just about the best-attended presidential library in the United States.

PETER JENNINGS: Presidents save a vast amount of material. Right down to the White House menus. Who knows what will turn out to be significant?

MICHAEL BESCHLOSS: Only last year in the Truman Library, someone came across what looks like sort of a junky desk diary. They found a number of pages in which Harry Truman had recorded in his own hand diary entries day by day in 1947. Had that thing been thrown out, we would have lost it.

PETER JENNINGS: The Clinton Library ultimately houses 630 tons of Mr. Clinton's past. Mr. Clinton is so enthusiastic about his library, we suspect he will be giving tours. President Truman, who spent six days a week sometimes at his library, often gave tours.

JAMES POLSHEK: That would surprise me if he didn't. You know, he loves to give tours. And he would give tours in the White House frequently to anybody who would come along.

PETER JENNINGS: As soon as the President arrived, we started off in his favorite room.

FORMER PRESIDENT CLINTON: This is an exact replica of the Oval Office, with replicas of the paintings I had there, the sculpture I had there. And these are actually books I had in the Oval Office.

PETER JENNINGS: I heard that yesterday you were in here fiddling with the desk.

FORMER PRESIDENT CLINTON: Yes. Well, I was trying to make sure these are all my things. These are Robert Berke's sculptures that he gave me of Harry Truman and FDR.

PETER JENNINGS: I got the feeling that at this pace our tour might have lasted for several weeks. Obvious question here is, how nostalgic are you?

FORMER PRESIDENT CLINTON: Oh, it makes me happy being in here. That's a globe that Hillary and Chelsea gave me. That pot was given to me by King Hussein.

PETER JENNINGS: That staff?

FORMER PRESIDENT CLINTON: It's a Moroccan Berber stick, given to me by Hillary.

PETER JENNINGS: It was time to move on.

FORMER PRESIDENT CLINTON: Here are some of the interesting things . . .

PETER JENNINGS: That people gave you?

FORMER PRESIDENT CLINTON: Yes. This is Lance Armstrong's bike. He gave me one of his speed bikes, as you see, and a jersey and a helmet after he won the Tour de France.

This guy makes cowboy boots for all the Presidents.

PETER JENNINGS: Are some of the presents that a President gets really tacky?

FORMER PRESIDENT CLINTON: Yes. Some are. We got a few of them up here that

are of some question. There's kind of a little cartoon-like thing. There's a great picture of Hillary and me as James and Dolly Madison.

PETER JENNINGS: Not very flattering, sir.

FORMER PRESIDENT CLINTON: No. As I said, I didn't look very good in those tights. There's my dog, Buddy. These are some of my saxophones. I had saxophones that I was given from Germany, from France, from China, from Japan. You see, here's some of the compelling art here we got.

PETER JENNINGS: As we said, Presidents hold on to everything.

This Presidential library is a revealing testament, both to your style and your character. What are some of the misconceptions you're trying to clarify?

FORMER PRESIDENT CLINTON: Well, the biggest one I think, is kind of much bigger than me. And that is, I think politics. There's more and more of an attempt to turn every political race into an identity race. You know, do you identify with this candidate or that? Does he share your values? Is he on your team or on the other team? What I wanted to show people here is that leaders make choices. And those choices, if implemented as policies, have consequences, positive or negative. They're people, and they also make mistakes, and I made my fair share of them. But I also believe that no one could fairly come into this library and read this stuff and look at these exhibits and hear these other people talk about the work they did and the feelings they had, people around the world and people here at home, without believing that this matters a lot. That these choices matter. People are affected in ways that are quite profound by the decisions that our leaders make.

PETER JENNINGS: Now in the entire library, this is—I'm not sure I'm using the right word. But this is the most militant alcove.

FORMER PRESIDENT CLINTON: You think it is?

PETER JENNINGS: I do. I do. This is about your struggle with the Republicans and others. Why don't you just tell us why you did this?

FORMER PRESIDENT CLINTON: What I'm trying to show here is this whole, long litany of things, where the ideological fights, in my opinion, went too far. Spending $70 million on Whitewater, which was a land deal I lost money on, that no one disputed. One of the great political con jobs in the history of the American Republic that they could get that much money spent. And then, we go to the impeachment. We had 800 Constitutional scholars who said there was no basis for impeachment. Gingrich, privately, acknowledged they shouldn't impeach me. They did it because they wanted to put a black mark on me in history.

PETER JENNINGS: Do you think they did put a black mark on your presidency that is indelible?

FORMER PRESIDENT CLINTON: No. I mean, it's there. But I think the more time goes on, the more people will see it for exactly what it was. Doesn't mean I didn't make a terrible personal mistake. But I certainly paid for that. But what they did was legally and constitutionally wrong, and it was done for political reasons. The overwhelming majority of Republican and Democratic legal and Constitutional scholars agree. And I think in history, it will all come out just fine. I've always believed that. I think things come out in the wash. But, you know, people are always being written and rewritten in history.

PETER JENNINGS: You love history, sir. Rate yourself as a President.

FORMER PRESIDENT CLINTON: I'm not going to do that. Anything I say is wrong. It's a lose/lose deal. My wife's in public service. I'm still trying to do things as a former President. And I have no business being the judge of my own presidency right now.

PETER JENNINGS: But at the end of the President's term, historians did feel free to judge. Fifty-eight historians, as I think you may know, did this for C-SPAN. And they were all across the political spectrum. And they came out, in general terms, that you were 21st. And on public persuasion and economic management, they gave you a fifth. Pretty good.

FORMER PRESIDENT CLINTON: Pretty good.

PETER JENNINGS: They gave you a 41st on moral authority.

FORMER PRESIDENT CLINTON: They're wrong about that.

PETER JENNINGS: After Nixon.

FORMER PRESIDENT CLINTON: They're wrong about that. You know why they're wrong about that? They're wrong about it.

PETER JENNINGS: Why, sir?

FORMER PRESIDENT CLINTON: Because we had $100 million spent against us on all these inspections. One person in my Administration was convicted of doing something that violated his job responsibilities while we were in the White House. Twenty-nine in the Reagan/Bush years. I'll bet those historians didn't even know that. They have no idea what I was subject to and what a lot of people supported. No other President ever had to endure someone like Ken Starr indicting innocent people because they wouldn't lie, in a systematic way. No one ever had to try to save people from ethnic cleansing in the Balkans and the people in Haiti from a military dictator who was murdering them. And all of the other problems I dealt with, while every day, an entire apparatus was devoted to destroying him. And still, not any example of where I ever disgraced this country, publicly. I made a terrible personal mistake. But I paid for it. Many times over. And in spite of it all, you don't have any example where I ever lied to the American people about my job, where I ever let the American people down. And I had more support from the world, and world leaders and people around the world, when I quit than when I started. And I will go to my grave being at peace about it. And I don't really care what they think.

PETER JENNINGS: Oh, yes, you do, sir. Excuse me, Mr. President, I can feel it across the room. You feel it very deeply.

FORMER PRESIDENT CLINTON: No, I care. You don't want to go here, Peter. You don't want to go here. Not after what you people did and the way you, your network, what you did with Kenneth Starr. The way your people repeated every, little sleazy thing he leaked. No one has any idea what that's like. That's where I failed. You want to know where I failed? I really let it hurt me. I thought I lived in a country where people believed in the Constitution, the rule of law, freedom of speech. You never had to live in a time when people you knew and cared about were being indicted, carted off to jail, bankrupted, ruined, because they were Democrats and because they would not lie. So, I think we showed a lot of moral fiber to stand up to that, to stand up to these constant investigations, to this constant bodyguard of lies, this avalanche that was thrown at all of us. And, yes, I failed once. And I sure paid for it. And I'm sorry. I'm sorry for the American people. And I'm sorry for the embarrassment. But they ought to think about how the rest of the world reacted to it. When I got a standing ovation at the United Nations from the whole world, the American networks were showing my grand jury testimony. Those were decisions you made, not me. I personally believe that the standing ovation I got from the whole world at the United Nations, which was unprecedented for an American President, showed not only support for me, but opposition to the madness that had taken hold of American politics.

PETER JENNINGS: I think somewhere you say that it was Nelson Mandela who taught you about forgiveness?

FORMER PRESIDENT CLINTON: Yes. He was unbelievable. When I was going through all this, he was really mad. You know, he came to the White House and defended me, and said the Congress should leave me alone. And he gave a blistering defense in the White House, the day before Gingrich gave him the Congressional gold medal.

NELSON MANDELA, FORMER PRESIDENT OF SOUTH AFRICA: We have often said that our morality does not allow us to desert our friends.

FORMER PRESIDENT CLINTON: I said, how did you ever let go of your hatred? I said, didn't you hate those people, even when they let you go? He said, ''Briefly, I did. But when I was walking out of my compound for the last time, I said to myself, they've had you 27 years. If you hate them when you get through that door, they will still have you.'' He said, ''I wanted to be free. And so I let it go.'' And then he looked at me, and he grabbed my arm and he said, ''So should you.''

PETER JENNINGS: This Presidential library is a reminder of how much is behind you. Make you feel old a bit?

FORMER PRESIDENT CLINTON: Oh, a little bit. But like I said, I'm very optimistic. I'm always thinking about the future. And I've got, you know, this huge agenda with my foundation. I like the life I had but I don't dwell on it. You know, some days I feel like being President is something that just finished yesterday, and it's all just real and alive to me. Some days it seems like 100 years ago. I wanted to give this gift to America, of this library, and tell the story about how we moved into the 21st century, and how it changed the way we lived and related to the rest of the world. But now, I want to focus the rest of my life on what I'm going to do tomorrow and on the work of my foundation and whether we can save a couple million people from dying from AIDS. Whether we can bring economic opportunity to people who aren't part of this global economy. I believe in global trade. But half the people are left out of this system. And that's why there's so much anti-globalization. I believe in racial and religious reconciliation. There's still a lot of people who haven't done it. So, I've got a lot of work to do here.

PETER JENNINGS: You're 58 years old, and you had two terms. And like a world-class athlete, you're suddenly yanked off the mound. Somebody compared it to pulling Sandy Koufax out of a baseball game.

FORMER PRESIDENT CLINTON: Yeah. I'm sorry he quit when he did too.

PETER JENNINGS: Doesn't it feel like that at times?

FORMER PRESIDENT CLINTON: It did. But, you know, sometimes it's a blessing. Sometimes it's a blessing to go out on top. You know, I had a, I don't know, 62, 63 percent approval rating. The country was in great shape. There have been many times since then that I wish I had been able to help the American people and the world with problems that come across the President's desk.

PETER JENNINGS: John Quincy Adams said there was nothing so pathetic in life as an ex-President. That's no longer true, I gather.

FORMER PRESIDENT CLINTON: No. And it certainly wasn't true of him. What he meant was, you didn't want to sit around and pontificate about the way things used to

be and pine away about not being President. And he didn't spend the rest of his life whining about the fact that he didn't get re-elected. He just went to work. Jimmy Carter did the same thing. He said, okay, what did I care about as President where I can still have an impact? What are the needs of the world? What can I do that won't be done if I don't do it? And he went out there and did it. And, you know, I admire that. I mean, that's what we're all supposed to do. When you've been President, you have received the greatest gift, if you love public service, that anyone could ever get. So, I just feel like you owe it the rest of your life to try to give it back.

PETER JENNINGS: What do you want to do, most of all?

FORMER PRESIDENT CLINTON: Just what I'm doing. I want to be a servant. I'm going to obviously, over time, broaden the sphere of my foundation work. We are working with five African countries, virtually the whole Caribbean, India, China. Money shouldn't determine who lives and who dies from AIDS. That's what I'd like to do now because I think there are more lives on the line. And I believe we can do more to have people feel better about America and about the West, by helping keep people alive.

PETER JENNINGS: Why did you choose AIDS?

FORMER PRESIDENT CLINTON: It's the most maddening of all problems. That's why. One in four people will die of AIDS, TB, malaria and infection. AIDS is 100 percent preventable. There's medicine that prevents mother to child transmission for pregnant women. There's medicine that for most healthy people, can turn it from a death sentence into chronic illness. And yet, there's 6.2 million people who desperately need the medicine. Over 40 million people infected. It's madness. So, this is something where I just figure the system's broken. And this is something a former President ought to do. Just go in there and try to put it together. And that's what I'm doing.

PETER JENNINGS: Bill Clinton is hugely popular in other parts of the world. Often regarded by countries as an honorary citizen and treated like a rock star. He has that particular touch with people in all walks of life. We also talked for a minute or two, about potential new leadership at home.

PETER JENNINGS: If Senator Clinton runs for the presidency, will you be her chief political adviser?

FORMER PRESIDENT CLINTON: Oh, I don't know. First, I don't know if she's going to run. I think she wants to run for re-election. I have no idea if she's gonna run for president.

PETER JENNINGS: Really?

FORMER PRESIDENT CLINTON: If she did, I would do whatever she asks me to do. You know, I think of all the people I've ever known in public life, she has the best combination of mind and heart, of management skills and compassion. I think she's very tough-minded. She has strengths I don't have. And I think she's learned a lot from me over the years about the things that I was good at that she needed to get better at. But, you know, she's got a mind of her own and she's going to make up her own mind in due course. I have no idea what she's going to do.

PETER JENNINGS: This has been a very tiring time for the President. After we saw him, everyone wanted to know how was his recovery going.

FORMER PRESIDENT CLINTON: As far as I know I'm doing well. I'm walking an hour a day. Up hills, vigorously. I still get tired easily. I haven't recovered my stamina. But everybody who's done this says I will.

PETER JENNINGS: No interview with President Clinton is complete without a little bit of trivia. You were, after all, the pop culture President. So, I'd be grateful if you'd give me maybe one-liners on the following subjects. The last movie you saw.

FORMER PRESIDENT CLINTON: ''Ray.'' It's unbelievable. I knew Ray Charles and I talked to him a couple weeks before he died. I liked him very much. And I love music, as you know. It's a fabulous movie.

PETER JENNINGS: Your favorite singer now.

FORMER PRESIDENT CLINTON: I like Tony Bennett. I like Bono. I like Barbara Streisand. I like Judy Collins. I like Sheryl Crow. I love Aretha Franklin.

PETER JENNINGS: The Presidential perk you most miss.

FORMER PRESIDENT CLINTON: Working in the Oval Office. It's the best work space on earth.

PETER JENNINGS: Your favorite food now.

FORMER PRESIDENT CLINTON: Turkey or vegetarian chili.

PETER JENNINGS: And the one you most miss?

FORMER PRESIDENT CLINTON: Steak.

PETER JENNINGS: The country you'd like to live in, if it were not here.

FORMER PRESIDENT CLINTON: Probably Ireland.

PETER JENNINGS: You want to be a mystery writer at some point in your life, I gather?

FORMER PRESIDENT CLINTON: I'd like to write one book that was kind of frivolous. A Dylan mystery.

PETER JENNINGS: So, write the first line of the mystery novel.

FORMER PRESIDENT CLINTON: The President's aide was found dead on a street in Southeast Washington from unnatural causes.

PETER JENNINGS: And the very last one. A living person, not already encountered, who you'd most like to meet?

FORMER PRESIDENT CLINTON: Someone I have never met? I would like to meet the new President of Kenya. Because he abolished school fees for poor children and a million extra children showed up at school. I think that that's something that's likely to affect more lives positively than almost anything any other political leader will do this year.

PETER JENNINGS: Thank you, sir.

FORMER PRESIDENT CLINTON: Thanks.

THE 108TH CONGRESS AND MISSED OPPORTUNITIES TO SUPPORT WORKING FAMILIES

Mr. FEINGOLD. Mr. President, as the 108th Congress draws to a close, it is time to reflect on a number of opportunities to support working families that this Congress missed.

American workers are the backbone of our economy. They have built this country, brick by brick and industry by industry. Too many of them have seen their factories closed and their jobs shipped overseas due to bad tax policy and dismal trade agreements. As the Senate meets today, families around our country are struggling to make ends meet in a sluggish economy. This Congress has missed opportunity after opportunity to support these families.

As consumer and health care prices continue to rise and families must make difficult decisions about what to buy and what to go without, the 108th Congress will adjourn without even considering an increase in the Federal minimum wage. Congress last voted to increase the minimum wage 8 years ago, to the current level of $5.15. The Congressional Research Service notes that the Federal minimum wage would have had to have been raised to $8.49 in February of this year to equal the purchasing power that it had in February of 1968. Increases in the minimum wage have not kept up with inflation or with rising consumer prices, and workers earning minimum wage are struggling to make ends meet, often working two or more jobs. And many of these jobs do not provide basic benefits such as health insurance and paid sick leave. To that end, I am proud to be a cosponsor of legislation introduced by the Senator from Massachusetts (Mr. KENNEDY) that would require certain employers to provide paid sick leave benefits, and I look forward to continuing to support this and other legislation to support working families when the 109th Congress convenes next year.

This Congress did little to help workers who are scraping by and who, too often, have to choose between their jobs and their families. And for those laid-off workers who have been unable to find family-supporting employment in these tough economic times, this Congress has done even less.

For the second year in a row, Members of Congress will go home for the holidays without acting on legislation to extend the Temporary Extended Unemployment Compensation Program. Many unemployed workers who are actively seeking employment have simply been unable to find jobs, and are relying on unemployment benefits and related programs to support themselves and their families. I regret that, despite the support of a bipartisan majority in the Senate for extending these important benefits, a minority of members have used Senate budget rules to block passage of this important extension. And I am stunned that, despite bipartisan support for extending these important benefits in both the Senate and the House, Congress will adjourn for the year without sending an extension to the President.

In addition, this Congress has built upon the regrettable record of the 107th Congress with respect to undermining basic worker protections. Members of the House and of the Senate have gone on record a total of six times in opposition to the Bush administration's overtime rule. This rule, which will rob millions of hard-working Americans of the overtime pay that they deserve, went into effect on August 23, despite bipartisan opposition in Congress. And for the third time, the administration has saved this ill-conceived rule by issuing a veto threat against legislation containing a provision to block that rule. I commend the Senator from Iowa (Mr. HARKIN) for his leadership on this issue, and I will continue to support efforts to roll back the harmful provisions of this rule.

This Congress also missed a number of opportunities to ensure that good-paying jobs stay in this country. The bill that was recently enacted in response to a World Trade Organization ruling against the foreign sales corporation and extraterritorial income provisions in our tax code presented Congress with an opportunity to restructure our tax code in a way that supports domestic manufacturers and their employees. Sadly, while the measure did provide some help to domestic manufacturers, the bill that was signed into law missed this opportunity in many respects. Congress should act at the next opportunity to close down the tax provisions in this law that actually provide incentives for corporations to move facilities overseas.

I was also disappointed that the final Omnibus bill that the Senate is expected to take up soon did not include provisions approved by the Senate responding to the disturbing trend of the outsourcing of American jobs. These provisions would have prohibited Federal funding from being used to support the outsourcing of goods and services contracts that are entered into by the Federal Government, or by the States if those contracts are being supported by Federal dollars. With this bill, Congress could have supported American workers by ensuring that taxpayer money is not used to encourage companies to relocate American jobs. Because of the deletion of this outsourcing provision, we missed an opportunity for the Federal Government to set a strong example of buying its goods and services from American companies that use American workers.

All told, the 108th Congress provided little support, and too much harm, to working families, and the examples that I have cited are just the tip of the iceberg of missed opportunities in this area. Congress can and should do more to ensure that workers and their families have a decent standard of living, including access to affordable health care, child care, and housing. We should also do more to strengthen job training and education, including expanding access to higher education.

I fervently hope that the 109th Congress will reject the antiworker tone of the past two Congresses and will make every effort to support the working men and women and their families who we have been elected to represent. I intend to continue to work hard to ensure that their voices are heard here in the Senate.

NORTHERN CALIFORNIA COASTAL WILD HERITAGE ACT

Mrs. BOXER. Mr. President, I am pleased that the Northern California Coastal Wild Heritage Act has been included in the Senate amendment to H.R. 620. I, along with my colleague from California, Senator FEINSTEIN, are the sponsors of the Senate companion measure, S. 738. I would like to thank Senator DOMENICI, the Chairman of the Committee on Energy and Natural Resources, and Senator BINGAMAN, the Ranking Democratic Member, for working with us to achieve passage of this very important legislation. I would like to enter into a colloquy with Senators FEINSTEIN, DOMENICI and BINGAMAN to clarify our intent behind some of the wilderness management provisions in the bill.

Mrs. FEINSTEIN. The first issue I would like to address concerns horsepacking into wilderness. I want to make sure horsepackers can keep using these wilderness areas. I recognize that the wilderness areas created by this act are currently enjoyed by hikers, people on horseback, hunters and anglers. In addition, many visitors are serviced by commercial outfitters using horses as pack animals. I believe horsepacking is an important use of wilderness, and I know it is a use that was well established in wilderness prior to the passage of the Wilderness Act in 1964. Unlike some other units of the National Wilderness Preservation System, the areas designated by this act are not heavily used by horses at this time. While fully recognizing the responsibilities of the land managers to monitor visitor use and respond appropriately to any resource damage that may result from overuse, I believe that current levels of horsepacking use in these areas are consistent with wilderness designation. Do my colleagues agree?

Mrs. BOXER. I fully concur, and I thank my colleague for raising this issue. I would like to ask the chairman and ranking Democratic member whether they share our view that the designation of these areas as wilderness does not preclude their continued use by horsepackers, subject to the agency's management discretion to protect area resources.

Mr. DOMENICI. I agree with the Senator from California.

Mr. BINGAMAN. I likewise agree.

Mr. DOMENICI. We are all in agreement on this issue.

Mrs. FEINSTEIN. In working through the bill, the Forest Service stressed a need to develop a plan to restore the late successional reserve LSR forest of the Sanhedrin wilderness area. We agreed that wilderness designation could be fully compatible with such restoration treatments.

I agree with the Forest Service observation that this area has been altered by human influences, including the suppression of natural burning. As the Forest Service develops its plan in accordance with this act and with the goal of LSR restoration, I believe the old growth characteristics of the LSR are a primary value of the wilderness. I also believe that the Forest Service can achieve its goal of LSR restoration in accordance with this act and the Forest Service manual direction on wilderness. The relevant portion of the manual, FSM 2323.35a states:

Manipulation of Wildlife Habitat. The objective of all projects must be to perpetuate the wilderness resource; projects must be necessary to sustain a primary value of a given wilderness or to perpetuate a federally listed threatened or endangered species. To qualify for approval by the Chief, habitat manipulation projects must satisfy the following criteria:

The condition needing change is a result of abnormal human influence.

The project can be accomplished with assurance that there will be no serious or lasting damage to wilderness values.

There is reasonable assurances that the project will accomplish the desired objectives.

Do my colleagues share my views that treatments to promote old growth in the Sanhedrin LSR are fully consistent with this act?

Mr. DOMENICI. I agree with the senior Senator from California.

Mrs. BOXER. I agree as well.

Mr. BINGAMAN. I, too, share this understanding of the bill.

Mrs. FEINSTEIN. Some people have voiced concerns about hunting and fishing in wilderness areas. I want to make perfectly clear that nothing in this bill alters the fact that the State of California retains jurisdiction of wildlife management in these wilderness areas which includes the issuance of hunting and fishing licenses.

Mrs. BOXER. I fully concur.

Mr. BINGAMAN. I likewise agree.

Mr. DOMENICI. We all seem to be in agreement on this issue as well.

Mrs. FEINSTEIN. I would like to raise one other issue. Since the enactment of the King Range Act in 1970, property owners Linda Smith Franklin and Mary Smith Etter have been granted access to their land by the Bureau of Land Management via the Smith-Etter Road. This legislation has designated the Smith-Etter Road as providing access to private property owners and their invitees. It is my understanding that nothing in this act should in any way alter the access currently granted to Franklin and Etter under existing policies. I believe that Franklin and Etter should continue to receive the access that they currently enjoy.

On the subject of fire suppression in this same area, I note that this act provides the land management agencies with the necessary flexibility to conduct fire suppression activities to protect human life and property. For example, in the King Range Honeydew fire in 2003, which resulted in 14,000 acres of fire damage in the King Range Conservation Area, the Bureau of Land Management authorized a fire truck and a 3-member crew to be stationed at the bottom of Telegraph Ridge, within a four mile range of the Franklin property in order to allow easy, quick access to the Franklin property in the event that fire suppression activities were warranted. As a result, firefighters were able to fend off the fire and prevent damage to the Franklin property. It is my understanding that nothing in this Act would prevent BLM from continuing this practice when so warranted by fire danger.

Do my colleagues share my understanding of these access and fire suppression issues in the King Range?

Mrs. BOXER. I do, and I thank my colleague from California for her work on this issue.

Mr. DOMENICI. I likewise share this understanding of how the bill should be implemented.

Mr. BINGAMAN. I agree as well.

Mrs. FEINSTEIN. I thank my colleagues.

GILA RIVER WATER SETTLEMENT

Mr. KYL. Mr. President, with Congress having passed S 437, I make a commitment to the San Carlos Apache Tribe to work next year to help attain and have enacted a fair Gila River water settlement for the tribe.

The Gila River runs through the tribe's reservation. San Carlos Reservoir is located within their reservation. The tribe deserves a fair settlement of its water rights claims to that river and I want my colleagues and others to know that I am absolutely committed to achieving that.

I had hoped to have been able to bring to the Senate legislation that would include a Gila River water settlement for this tribe. Unfortunately, we were unable to do that. The tribe is working toward a settlement with a number of groups that use the Gila River. I hope that the tribe, the United States, and the local non-Indian water users will be able to settle the tribe's water rights claims in the coming year. In connection with that effort, I want to send a strong message to the settlement negotiators: I expect everyone to negotiate in good-faith toward a fair settlement.

I encourage all parties, including the San Carlos Apaches, to engage earnestly and vigorously to complete a Gila River water settlement as soon as possible. I will then work with both the Senators from New Mexico and my Senate colleagues to see that such an agreement is ratified through legislation next year.

INTELLIGENCE REFORM

Mr. LAUTENBERG. Mr. President, earlier today, we were led to believe that we had an agreement with House conferees to pass a bill that will reform our intelligence community and make America safer from the threat of terrorism. Now we find out that House Republicans have killed the bill.

This morning, I was one of 11 Senate conferees—6 Republicans, 5 Democrats—who signed the conference report to the Intelligence Reform bill.

Remember: the conference report is to a bill the Senate passed 96–2. The bill the Senate passed, in turn, was based on the recommendations of a unanimous 9/11 Commission—5 Republicans, 5 Democrats.

Now, we find out that House Republican conferees have rejected the conference report. They have snatched defeat from the jaws of victory.

From what I gather, the problem is not with House Intelligence Committee Chairman HOEKSTRA, who has been leading the conference committee.

What these House Republican conferees have done is a slap in the face of the Senate, the bipartisan 9/11 Commission, and the 9/11 families who have worked so hard to make something positive happen in the wake of a horrific national tragedy.

New Jersey lost 700 of its citizens on 9/11; I have to wonder if these House Republican conferees would be behaving differently if they went through what we in New Jersey went through.

I have been in the U.S. Senate for 20 years now. I have been involved in my share of conference committees. In all those years, I don't believe I have ever seen a little cabal of Members act more unreasonably. These House Republican conferees have killed a bill that 16 of 21 conferees have voted for. Talk about obstructionism.

The fact of the matter is that the conference report we were poised to adopt today is a far cry from the 9/11 Commission recommendations and the bill the Senate passed so overwhelmingly. But there is enough in the conference report to merit going forward. It creates a National Director of Intelligence with real budget authority; it creates a National Counter-Terrorism Center; it bolsters border and transportation security. And it has some provisions to safeguard our civil liberties.

It is time for truth-telling here. House Republicans and the Bush administration have been opposed to this bill from the start. And now they have gotten their way.

I think it is incumbent for the President and for the House Republican conferees who have killed this bill to sit down in person with the 9/11 families, look them in the eye, and tell them that the status quo—that doing nothing—is better than passing a bill so many people worked so long and hard to get.

We are told that we won't adjourn sine die today; that we will come back on December 6 to give the conferees more time to reach an agreement.

The House Republican conferees are absolutely intransigent. It is hard for me to believe that we will be any more successful in the next few weeks than we have been in the past several weeks. I hope I am wrong, but given the President's complete lack of leadership on this matter, it is hard for me to be optimistic.

I have to say I think what has happened is totally contrary to the principles of our democracy, as we turn the power of the people over to a couple of bullies who refused to accept a virtually unanimous vote of the U.S. Senate, the recommendations of the 9/11 Commission, and the will of the largest share of the American people as expressed by their elected representatives.

TAX ISSUES OUTSIDE THE FINANCE COMMITTEE

Mr. GRASSLEY. Mr. President, as I listen to the debate tonight about Section 222, which invades the privacy rights of taxpayers, I would like to point out an important lesson in all of this.

The lesson is that tax measures should be left to the tax writing committees. Only the Finance Committee and the Ways and Means Committee have the jurisdiction and the technical expertise to write our Nation's tax laws. And tax laws are technical. As Section 222 in this bill shows, one had better know what they are doing when they write a tax provision. They had better understand the history of the measure and all of its ramifications. In the Finance Committee, we use great care in drafting our tax provisions, and we do it in an open manner. All members can see what we are doing and have a chance to understand why we are doing it, and to comment on it. But frequently the Finance Committee has to go through a rite of scrubbing appropriations bills to remove poorly conceived and poorly drafted tax provisions that try to sneak in at the dark of night. It is not just appropriations bill where this occurs. It happens on many other bills as well. Often, these provisions have been rejected by the Finance Committees as bad policy, only to turn up in an unseen attack on our committee's jurisdiction. As the bill shows tonight, it is not necessarily Members that do this. It is sometimes staff who add an idea. This allows staff to bypass the scrutiny of the entire Finance Committee; 21 senior Members of the Senate are deprived of their right to pass judgment on a tax measure. Let me give some examples of what we have had to fend off lately. Last week, we had to defeat an appropriations proposal that would have cut off funding for Federal agencies that help the IRS obtain information about Americans investing in foreign countries.

That measure would have undercut U.S. tax law enforcement and damaged our initiatives to combat tax shelters. It would have damaged our international competitiveness and undermined our Nation's efforts to combat money-laundering and terrorist financing.

I am confident that the proponents of this measure never knew about its broader ramifications. But that is what happens when tax proposals evade the scrutiny of the Finance Committee.

Here is another example. Recently, the Armed Services Committee sought to create a charity for assisting servicemen and their families. On its face, this is certainly a good cause that we can all support.Unfortunately, the statutory language drafted by the Armed Services Committee had very serious flaws and was unworkable under the Tax Code. It was only after significant time and energy by the Finance Committee, exerted after the fact, that we fixed something that shouldn't have been broken in the first place. If Members will learn to work with the Finance Committee, instead of bypassing it, we can usually achieve the results they seek.

Here is an example. The House Appropriations Committee tried to expand the definition of census areas for determining eligibility for a certain tax program. This provision was not agreed to by the Senate Appropriators. The provision was later passed in the JOBS bill. This highlights that we try in good faith to work with Members who will work with the committee. So let me send a very clear message. The controversy around this appropriations bill should serve as a warning to all who would bypass the jurisdiction and expertise of the congressional tax writing committees. We work to defeat stealth tax measures not just to protect our committee's jurisdiction, but to protect the American people from bad ideas.

In the Senate it is the Finance Committee, and only the Finance Committee, that has the experience, expertise, and seasoned resources to process tax laws for our Nation.

Members and staff should remember today's events the next time they are approached to insert a ''harmless'' tax measure into an unrelated bill.

ADDITIONAL STATEMENTS

REED IRVINE

• Mr. SESSIONS. Mr. President, I rise to commemorate the life of a noted conservative journalist, media critic, and a leading authority on media bias, Reed Irvine. Reed Irvine passed on November 16, 2004, and is known as the man who founded the organization Accuracy in Media. He leaves a legacy of fighting a left-leaning media and was a long-time critic of the big three networks at a time when only three network nightly news shows dominated the distribution of information to the public.

Reed Irvine was born in Salt Lake City, UT, the son of William J. and Edna May Irvine. He graduated from the University of Utah at the age of 19 in 1942, having been elected to Phi Beta Kappa. He enlisted in the Navy and was selected to take a crash program in the Japanese language, emerging as an interpreter-translator with a commission in the U.S. Marine Corps. He participated in the campaign of Saipan, Tinian, Okinawa as an intelligence officer with the 2nd Marine Division, and served in the occupation of Japan from 1945 to 1948.

After the war, Mr. Irvine was an economist, Fulbright scholar and former Federal Reserve official. He joined the Federal Reserve Board in 1951 as an economist in the Far East Section of the Division of International Finance. Mr. Irvine wrote extensively about the free market and advocated sound monetary and fiscal policy.

He founded Accuracy in Media in 1969 and its sister organization, Accuracy in Academia, in 1985. Mr. Irvine pioneered the concept of a citizens' media watchdog organization that criticized the errors and omissions of the mainstream press, buying ads to publicize serious errors and buying stock in media companies to enable Accuracy in Media representatives to attend their annual meetings to discuss its complaints with the chairman. Irvine was tenacious in his quest for the full truth in media.

Mr. Irvine is survived by his wife of 56 years, Kay Araki Irvine, his son and three grandchildren. Reed Irvine will be remembered as being at the forefront of the conservative movement's attack on media bias and has left us four books that study the bias of the media.

In 1969, when Reed Irvine began his crusade, most Americans trusted the mainstream media. Americans received the biased news coverage and believed it. Today, the liberal bias in media, Hollywood, and academia is widely accepted as a fact of life.

Some day, I hope that the mainstream media will lose its leftwing bias. I hope for the day when academia will focus all its attention on scholarship and leave the liberal indoctrination for the pundits. But, I do not expect those days to come very soon. However, thanks in large part to the life's work of Reed Irvine and the movement he helped launch, Americans have now accepted media bias as a fact of life. The American Society of Newspapers published a study in 1999 that showed 78 percent of Americans believe there is a bias in the media.

I believe this understanding by the American public promotes a more informed democracy. People watch the news with a critical eye. Students question their professors. Americans are seeking out talk radio, alternative media. The Internet is flourishing.

Thanks to dedicated watchdogs such as Reed Irvine, the American people now see through the bias in the media. Dan Rather's ludicrous reporting on President Bush's National Guard service was debunked in no time on the Internet and talk radio. A liberal bias that was once lamented by conservatives and ignored by the public has now become a running joke among conservatives and an accepted fact in the minds of Americans. People, who once powerlessly accepted the news however they could get it, are now voting with their remote controls.

When President Bush delivered his acceptance speech at the Republican National Convention this year, 7.3 million people saw it on Fox. Meanwhile, 5.9 million watched on NBC, 5.1 million on ABC, 5 million on CBS, 2.7 million on CNN and 1.7 million on MSNBC, according to Nielsen Media Research. Fox also beat the broadcast networks throughout the rest of the Republican Convention coverage—this, despite the fact that ABC, CBS, and NBC are available in about 110 million homes, while Fox is carried in about 85 million. Reed Irvine's message has been received, and the people are fighting back.

News is now reported in countless ways, 24 hours a day, and the American people are deciding for themselves what it all means. For this new coverage we can thank the Fox News channel, and the countless talk show hosts, magazines, Internet sites, and organizations. However, I think the most important gift that has been given to our country is the critical eye of the American public. A voting public that watches the news with a critical eye is one that cannot be easily manipulated. A college student who asks his professor tough questions will end up better educated and ready for the world.

For this wonderful gift, we owe a special thanks to Reed Irvine.•

TRIBUTE TO DR. SAM BILLISON

• Mr. BINGAMAN. Mr. President, today I wish to mark the passing of Dr. Sam Billison, a recipient of a Congressional Silver Medal, who died earlier this week. He was a great American.

In 2001, the President of the United States awarded Congressional Gold and Silver Medals to Sam and his fellow Navajo Code Talkers. Of all the honors Congress can bestow, these Medals are often considered the most distinguished, expressing the gratitude of the Congress and the entire nation.

With this award, the Code Talkers joined the ranks of an exclusive group of people—Robert Kennedy, Harry Truman, General H. Norman Schwarzkopf, Nelson Mandela, General Colin Powell, and President Reagan, to name a few.

As with many other recipients, Sam and his fellow WWII Code Talkers were recognized for valor, for their contributions to the national good, for their defense of freedom and democracy. However, unlike the others, they set several precedents, not the least of which that they were the first Native American Indians to receive Congressional Gold Medals.

This is especially poignant when one realizes the cultural context in which Sam and his fellow Navajo were raised. Subjected to alienation in their own homeland, discouraged from speaking their own language, this group of Native Americans rose above adversity, voluntarily came forward to develop the most significant and successful military code of the time saving countless American lives, and then honored their oath of secrecy by stepping back into the obscurity from which they came.

Many of these marines have finally come forward to be appropriately recognized and honored, but many took their secret to the grave. I am happy that in the twilight of Sam's life, he was able to see Congress finally mark that place in history so long overdue the Navajo Code Talkers.

We, as a nation, are but a product of those who have come before us—their accomplishments, their contributions, and their sacrifice in the struggle for freedom and democracy. We must never forget that our society is made possible only through the sacrifice and hard work of thousands of American men and women.

Sam Billison, Navajo Code Talker, was one of an elite group of veterans, and yet he was more. He was a teacher, a school principal and a superintendent, helping educate thousands of young people, and setting an example for all to follow. In all sense of the word, he was a true American hero. He shall be dearly missed.●

TRIBUTE TO SENIOR AIRMAN NICHOLAS P. SEMONELLE, THE UNITED STATES AIR FORCE AIRMAN OF THE YEAR

● Mr. SESSIONS. Mr. President, I rise today to recognize the United States Air Force Airman of the Year for 2004, Senior Airman Nicholas P. Semonelle from Enterprise, Alabama.

Senior Airman Semonelle's recognition stems from his unique act of courage and bravery. On January 18, 2003, Senior Airman Semonelle was faced with a dangerous situation. Senior Airman Semonelle observed smoke from a nearby house that had caught fire and immediately called 911. Upon learning from a 14-year-old babysitter that three children were trapped inside, Semonelle immediately broke through a window and entered the burning structure to try to find the children. Despite the smoke and heat, Senior Airman Semonelle searched room to room locating a 7-year-old boy and evacuating him from the building. Without hesitation and regard for his own personal safety, he again risked his life to go back inside the home, now ablaze and filled with smoke, to locate and carry out a second child, a 3-year-old girl. Senior Airman Semonelle began a third rescue attempt of an 18-month-old baby girl still trapped in the now engulfed structure. Despite repeated attempts, the little girl could not be found. Emergency rescue personnel arrived to find the structure engulfed in flames, and were unable to locate the third child who did not survive. Senior Airman Semonelle, his brother-in-law who had helped with the rescues, and the two lucky children eventually collapsed on the ground in front of the house, exhausted and coughing from smoke inhalation.

Senior Airman Semonelle's quick action to enter the burning home and rescue those inside resulted in saving the lives of two children. His disregard for his own personal safety to save others is an act of bravery that warrants our gratitude. I commend this 1996 Elba High School graduate for his service to our country and for his bravery. He continues to distinguish himself, serving our country overseas in his assignment to the United States Air Force 435th Logistics Readiness Squadron at Ramstein Air Base, Germany. He is truly deserving of the recognition that the United States Air Force and the United Services Organization have bestowed on him as Airman of the Year.●

TRIBUTE TO PAT RAYMOND

● Mr. BENNETT. Mr. President, Pat Raymond prefers to be the person behind the person. She prefers to work behind the scenes, and as I can attest, late at nights, weekends, and holidays. For 30 years she has served the Senate faithfully, professionally, tirelessly, and as a stalwart advocate. But today I would like to put Pat front and center and thank her for her service to me and to the Senate.

For the past 2 years, Pat has worked as the clerk of the agriculture appropriations subcommittee that I chair. I have benefited from her institutional knowledge, her counsel, and her judgment. Because of consecutive reductions in the budget of the United States Department of Agriculture the last 2 years have been very challenging, but Pat has been up to the task. In 2003, even though the allocation to the subcommittee was nearly $1 billion below the prior years enacted level, we produced a bill that the Senate approved with only one dissenting vote. Pat has developed strong working relationships not only with the staff of Senator KOHL, the subcommittee ranking member, but also with the staffs of Representatives BONILLA and KAPTUR, the House agriculture appropriations chairman and ranking member. These relationships have enabled the agriculture appropriations subcommittees of both chambers to work together and overcome the challenges posed by being required to do more with less.

After 30 years of service Pat will retire at the end of this Congress. I thank her for her dedication, for her hard work, and for a job well done. More than that, I wish her well, as she travels to Florida for a well deserved rest. But I know that ''rest'' won't last long—Pat is too young, too vigorous, and has too much to contribute not to get involved in something important right from the start.●

IN HONOR OF SUPERVISOR REX BLOOMFIELD

● Mrs. BOXER. Mr. President, it is my honor to speak in recognition of Supervisor Rex Bloomfield, a strong advocate for the preservation of open space, improvement of county services, and balanced planning for the future of Placer County.

Rex Bloomfield has dedicated the last 12 years as Supervisor to improving his community and Placer County. His many accomplishments are testament to his strong leadership and devotion to public service. By creating the Placer Legacy Program he has helped to preserve thousands of acres of open space and agricultural lands in Placer County. Committed to the fight for clean air, he initiated the Sacramento Ozone Summit and worked hard to adopt regional policies to reduce smog, for which he received the American Lung Association's regional award for outstanding leadership. Supervisor Bloomfield established Placer County's first redevelopment area to help fund community projects, such as the Squaw Valley Community Park. Throughout his three terms in office he has made many improvements to his district. Four parks were built, miles of new trails for recreation were constructed, a new library was built with two others expanded, fire safe councils and fire fuels reduction programs were created, Sheriff substations in outlying areas were added, emergency personnel were provided more safety equipment and medical supplies, and a computerized emergency telephone system to warn residents of pending danger was established.

Rex Bloomfield has not only committed himself to the betterment of Placer County as supervisor, but also as a teacher and involved member of the community. His teaching career has spanned 31 years. He is currently teaching fifth grade at Alta Vista School in Auburn. He has been a board member with the Sierra Economic Development District, Sierra Planning Organization, Foothill Airport Land Use Commission, Placer County Air Pollution Control District, Placer County Flood Control and Water Conservation District, Colfax Veterans Memorial Hall Board, and Foresthill Veterans Memorial Hall Board.

I commend Rex for dedicating his life to his family and his community. His accomplishments have touched the lives of many, and his impact on his community and Placer County will be long remembered. I extend my sincere best wishes for his continued health, happiness, and good work. Rex Bloomfield is a distinguished member of the community, and it is with great pleasure that I recognize him today.●

TAXATION OF FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION MITIGATION GRANTS

● Mr. NELSON of Florida. Mr. President, in these final days of the 108th Congress, I would like to call attention to an issue of great consequence to the people of Florida and to other States that recently have been victimized by natural disasters.

This year, four hurricanes wrought a path of damage and destruction across Florida and other areas. The U.S. Congress was quick to provide Federal relief for victims of the storms, and we are grateful for this. Yet a June Internal Revenue Service ruling determines that this assistance ought to be taxed.

This means that if a homeowner accepts a $25,000 Federal grant to elevate their flood prone home, the grant would be included in their taxable income. This unexpected tax liability could be financially devastating to a retiree living on a fixed income after already having faced the costs of hurricane cleanup. It also creates a strong disincentive for homeowners to participate in Federal mitigation programs,

increasing the risk of damage and expense in future disasters. The IRS policy runs counter to good public policy and common sense.

Senator KIT BOND and Representative MARK FOLEY have introduced S. 2886 and H.R. 5206, respectively, identical bills that would fix this problem by exempting mitigation grants from being included as taxable income. These bills have drawn support from both sides of the aisle and a large number of the Florida Congressional delegation. I am disappointed that we will not have an opportunity to pass these bills before Congress adjourns. If we fail to act early on in the 109th Congress, come April, some homeowners could be in for a rude awakening in the form of a higher tax bill from the IRS.

To help ease the minds of Floridians and other Americans living in disaster prone areas of the country, I joined Senator LANDRIEU in sending a letter to Finance Committee Chairman GRASSLEY and Ranking Member BAUCUS asking them to direct the Treasury and the IRS to delay implementing this policy until Congress has the opportunity to act.

I will continue to work with my colleagues in the Senate to find a solution to this problem.●

WOOL TRUST FUND

● Mr. BAUCUS. Mr. President, today I make note of a technical error in the drafting of the Wool Trust Fund, which was included in H.R.1047, the ''Miscellaneous Trade and Technical Corrections Act of 2004.'' Section 4002, entitled ''Extension and Modification of Duty Suspension on Wool Products, Wool Research Fund, Wool Duty Refunds,'' extends the current Wool Trust Fund through December 31, 2007. The purpose of this provision is to extend the current program, as well as to provide grants to textile mills, for an additional 2 years beyond the current date of expiration, which is December 31, 2005. This fact is reflected in the conference report of H.R. 1047, in which the conferees observe that the House recedes to the Senate proposal ''so that all programs are extended by two years beyond the current date of expiration of the current programs.'' In other words, all provisions—including all programs and all tariff reductions—are to be in effect through 2007.

Unfortunately, a drafting error occurs in section 4002(a)(5), entitled ''Fabrics of Combed Wool,'' and mistakenly terminates the extension of duty reductions, for the goods identified in that subsection, at the end of 2006, rather than 2007. This error is clearly and patently inconsistent with the expressed intention of the conferees to extend the program through 2007.

I urge the Members of the 109th Congress to correct this technical error, in order to allow the program to operate as clearly and expressly intended by the 108th Congress.●

MESAGES FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests to concurrence of the Senate:

H.R. 5370. An act to designate the facility of the United States Postal Service located at 4985 Moorehead Avenue in Boulder, Colorado, as the ''Donald G. Brotzman Post Office Building''.

The message also announced that the House has passed the following bill, without amendment:

S. 2618. An act to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 8. Concurrent resolution expressing the sense of Congress that there should be established a ''National Visiting Nurse Association Week.''

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1113. An act to authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

H.R. 1417. An act to amend title 17, United States Code, to replace copyright arbitration royalty panels with a Copyright Royalty Judge, and for other purposes.

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

H.R. 1964. An act to assist the States Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

H.R. 3936. An act to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs, and for other purposes.

H.R. 4516. An act to require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

H.R. 4593. An act to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 3:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the act (H.R. 1630) to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate.

H.R. 5382. An act to promote the development of the emerging commercial human space flight industry, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 528. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

At 4:22 p.m., a message from the House of Representative, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, having met, have agreed, that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

At 5:08 p.m., message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3818. An act to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

H.R. 5419. An act to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E–911 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system; and to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time.

The message also announced that the House has passed the following bill, without amendment:

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2873. An act to extend the authority of the United States District Court for the

Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 529. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that House agree to the amendment of the Senate to the bill (H.R. 2655) to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 1047. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 1630. An act to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

H.R. 2912. An act to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

H.J. Res. 110. Joint resolution recognizing the 60th anniversary of the Battle of the Bulge during World War II.

H.J. Res. 111. Joint resolution appointing the day for convening of first session of the One Hundred Ninth Congress.

The enrolled bills and joint resolutions were signed subsequently by the President pro tempore (Mr. STEVENS).

At 10:42 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. STEVENS).

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–10055. A communication from the Chief, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''Increase in Rates Payable Under the Survivors' and Dependents' Educational Assistance Program'' RIN2900–AL64( ) received on November 5, 2004; to the Committee on Veterans' Affairs.

EC–10056. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled ''Trends in Educational Equity of Girls and Women: 2004''; to the Committee on Health, Education, Labor, and Pensions.

EC–10057. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on November 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–10058. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–10059. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Antiperspirant Drug Products for Over-the-Counter Human Use; Final Monograph; Partial Stay; Reopening of the Administrative Record'' received on November 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–10060. A communication from the Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation's Performance and Accountability Report for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–10061. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2004; to the Committee on the Judiciary.

EC–10062. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Political Committee Status, Definition of Contribution, and Allocation for Separate Segregated Funds and Nonconnected Committees'' received on November 18, 2004; to the Committee on Rules and Administration.

EC–10063. A communication from the Chief, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve'' (RIN2900–AL80) received on November 5, 2004; to the Committee on Veterans' Affairs.

EC–10064. A communication from the Chief, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''Standards for Collection, Compromise, Suspension, or Termination of Collection Effort, and Referral of Civil Claims for Money, Property; Regional Office Committees on Waivers and Compromises; Salary Offset Provisions; Delegations of Authority'' (RIN2900–AK10) received on November 5, 2004; to the Committee on Veterans' Affairs.

EC–10065. A communication from the Chief, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''Waivers'' (RIN2900–AK29) received on November 5, 2004; to the Committee on Veterans' Affairs.

EC–10066. A communication from the Chief, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''Veterans' Education: Increased Allowances for the Educational Assistance Test Program'' (RIN2900–AL81) received on November 5, 2004; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 2635. A bill to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of the United States and to address the homeland security needs of Federal, State, and local governments (Rept. No. 108–420).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. LEAHY):

S. 3021. A bill to provide for the protection of intellectual property rights, and for other purposes; considered and passed.

By Mr. MCCAIN:

S. 3022. A bill to enhance the Federal investment in research and development and the development of innovative technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 3023. A bill to improve funeral home, cemetery, and crematory inspection systems, to establish consumer protections relating to funeral service contracts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 3024. A bill to establish the National Center for Transportation Solutions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN:

S. 3025. A bill to strengthen efforts to combat slavery and trafficking in persons, within the United States and around the world; to the Committee on Foreign Relations.

By Mr. FRIST (for himself and Mr. ENSIGN):

S. 3026. A bill to support the Boy Scouts of America and the Girl Scouts of the United States of America; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. SARBANES, Ms. MIKULSKI, Mr. SMITH, Mrs. CLINTON, Mr. ALLEN, Mr. CORZINE, Mr. HAGEL, and Mr. DURBIN):

S. 3027. A bill to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes; considered and passed.

By Mr. HATCH (for himself and Mr. BIDEN):

S. 3028. A bill to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied; considered and passed.

By Mr. STEVENS:

S.J. Res. 42. A joint resolution to make a correction in the Conference Report to accompany H.R. 4818; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG:

S. Res. 479. A resolution establishing a special committee administered by the Committee on Governmental Affairs to conduct an investigation involving Halliburton Company and war profiteering, and other related matters; to the Committee on Rules and Administration.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 480. A resolution extending the authority for the Senate National Security Working Group; considered and agreed to.

By Mr. SANTORUM:

S. Res. 481. A resolution expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement of Major Richard D. Winters (Ret.) during World War II , and commending him for leadership and valor in leading the men of Easy Company; considered and agreed to.

By Mr. KENNEDY (for himself, Mr. REED, Mr. KERRY, Mr. DODD, Mr. JEFFORDS, Mr. SUNUNU, and Mr. CHAFEE):

S. Res. 482. A resolution congratulating the Boston Red Sox on winning the 2004 World Series; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2789

At the request of Mr. BROWNBACK, the name of the Senator from Michigan (Mr. LEVIN) 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. 2889

At the request of Mr. ALEXANDER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Florida (Mr. GRAHAM), the Senator from Idaho (Mr. CRAIG), the Senator from Nevada (Mr. REID), the Senator from Oklahoma (Mr. INHOFE), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Virginia (Mr. WARNER) 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. 2956

At the request of Mr. BOND, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of 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.

S. 3011

At the request of Mr. DAYTON, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Virginia (Mr. WARNER) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 3011, a bill to amend title XVIII of the Social Security Act to provide payments to Medicare ambulance suppliers of the full cost or furnishing such services, to provide payments to rural ambulance providers, and suppliers to account for the cost of serving areas with low population density, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 3023. A bill to improve funeral home, cemetery, and crematory inspection systems, to establish consumer protections relating to funeral service contracts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Mr. President, I rise today to introduce the Federal Death Care Inspection and Disclosure Act of 2004, a bill which I believe will go a long way in restoring the trust that Americans place in the funeral and death care industries.

None of us like to think about death and dying. It is a painful and uncomfortable subject, and most Americans, understandably, choose not to confront matters related to the death of a loved one until the death actually occurs. And when a loved one does pass on, we turn to our friends and family to grieve. Certainly, the last thing anyone wants to do at such a painful time is to spend hours or days negotiating or shopping for a funeral, casket, or other goods and services. Instead, we leave most of these arrangements in the hands of funeral service providers, turning to them to ensure that our loved ones are cared for and treated with respect and dignity after their passing.

We place a great deal of trust in funeral service providers. A funeral, after all, represents one of the largest purchases many consumers will ever make, just behind a home, college education, and a car. However, unlike these transactions, the purchase of funeral services is most often done under intense emotional duress, with very little time to spare, and without the benefit of the type of consumer information generally available when making such a large purchase. As a result, we trust funeral service providers to give us fair prices, to represent goods and services accurately, and to not take advantage of us during our moments of greatest grief and vulnerability.

For the most part, this trust is well deserved. I have no doubt, that the majority of individuals working in the funeral industry are good men and women who practice their profession with the honor and gravity it demands. However, recent revelations of abuses in the industry have shown us that not all members of the death care industry are honest and upstanding. We all remember hearing recently of the discovery of over 200 bodies strewn in the woods near a crematorium in Noble, GA. There is also evidence of desecration of graves and remains at cemeteries in Florida, California, Hawaii, and my own State of Connecticut. These incidents, as well as developments in the funeral industry as a whole, compel us to reexamine the regulatory structure we currently have in place for this industry.

Currently, the death care industry is regulated by a patchwork of state and local laws. These regulations may have been sufficient years ago, but the character of the industry has changed substantially since many of these laws were passed. The industry has become surprisingly large and diverse. The death care industry generates annual revenues of over $15 billion and employs over 104,000 Americans. The 1990's saw the rise of multi-state ''consolidators'' who purchased local funeral homes across the country. Even for small local firms, the business has become increasingly complex. As more and more Americans travel and live in places far from where they were born, the industry has become one that frequently does business across state and county lines.

There have also been changes in Americans' cultural expectations of funeral services. For example, the percentage of cremations has risen from 5 percent in the 1970's to 25 percent today. However, only 12 States have substantive laws which cover cremation. In fact, in the case in Georgia I mentioned earlier, the crematorium in question was statutorily exempt from inspection, allowing the abuses to continue undiscovered.

The only significant federal regulation of the industry exists in the Federal Trade Commission's Funeral Rule, promulgated nearly 20 years ago. Again, this rule has not kept up with the nature of the industry. Perhaps most importantly, the rule does not cover numerous sectors of the industry such as cemeteries, crematories, and casket makers. It also does not effectively regulate prepaid funeral contracts, which have become an increasingly popular option in recent years.

In 2002, I chaired a hearing of the Subcommittee on Children and Families in which we examined developments in the industry and how they have impacted American families. Since that hearing, I have worked with both consumer and industry groups to craft legislation to protect Americans from potential abuse by funeral service providers. The Federal Death Care Inspection and Disclosure Act of 2004 would provide Federal funding to allow States to hire and train inspectors and give consumers the right to legal action against those who violate regulatory standards. In order to be eligible for funding, states would have to adhere to standards which are outlined in the legislation. The act would also codify and strengthen the existing FTC regulations governing licensing and

registration, record-keeping, inspection, resolution of consumer complaints, and enforcement of state laws in the industry. It would clarify regulations to prevent deceptive trade practices in the industry and ensure that consumers can make informed decisions as they make funeral arrangements. Finally, the FTC rules would be expanded to cover all segments of the death care industry.

I am aware that as we are in the closing days of this Congress, we will not have the opportunity to pass this legislation this year. However, I would like to take this opportunity to raise this issue with my colleagues today, and I hope that we will be able to move on this issue when we reconvene for the 109th Congress. It is my firm belief that this bill will help both consumers and industry. Consumers will have the peace of mind knowing that they are being treated fairly during their time of grief and distress, while the industry will benefit from regaining the high level of consumer confidence and trust that it has traditionally enjoyed.

I urge my colleagues to join me by supporting this legislation.

By Mr. DODD:

S. 3024. A bill to establish the National Center for Transportation Solutions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Mr. President, I rise to introduce the Center for Transportation Solutions Act of 2004.

I am deeply troubled that the Federal Government is not doing enough to address important national and regional transportation issues from a systemic perspective. There is too little research being devoted to profound questions that have a long-term impact on the future viability of our nation's transportation network. Such questions may include: How well is our transportation system responding to the global economy? How can transportation meet the needs of greater environmental sustainability? How can people become more involved in transportation planning in their communities? What transportation technologies will be important in the future? Are there more effective ways to finance improvements to our transportation infrastructure? What will be the demand for various modes of transportation in the future? How well do the various modes of transportation interact? Is there a better way to reduce transportation accidents and enhance safety?

In fact, the Federal Government does not adequately invest in finding answers to these and other important questions. The United States Department of Transportation spends approximately 1.5 percent of its budget on research. This amount is insufficient when compared to the 2.8 percent spent by the Department of Agriculture, 4.8 percent by the Department of Health and Human Services, 8.1 percent by the Environmental Protection Agency, and 14.9 percent spent by the Department of Defense.

Much of that 1.5 percent spent by the Department of Transportation is focused on short-term, highly applied research activities, such as the performance of varieties of asphalt in different climates. Too few resources, however, are devoted to research in finding solutions to our most intractable long-term transportation problems.

The consequences of this lack of foresight are significant. As Dennis Christiansen, Deputy Director of the Texas Transportation Institute, testified before the House Subcommittee on Highway, Transit, and Pipelines last year: ''In the private sector, failure to innovate may mean one goes out of business. In the public sector, failure to innovate may simply mean that we do things less efficiently and at a higher cost.'' In addition, the American Public Transportation Association commented at the same hearing that ''without research and training, innovation withers and American jobs are lost offshore.''

The lack of adequate investments in long-term transportation research, however, is not the only concern. The Nation's transportation research and technology programs are highly decentralized as well. There are state and federal transportation agencies, universities, contractors, and material suppliers all participating in transportation research activities. While this decentralization has its benefits in that the same broad array of institutions that are conducting the research are involved in its implementation, it also has its drawbacks. It poses challenges to effective priority-setting, and can lead to unnecessary duplication, results that are not transferable, and significant research gaps.

The legislation that I am introducing will address these important issues by establishing a Center for Transportation Solutions as an independent agency in the executive branch of the government. Its purpose will be to develop and encourage the execution of a long-term national policy for the promotion of research and development related to multimodal transportation.

The Center is modeled after the National Science Foundation. It will be under the leadership of a Director appointed by the President and a Board composed of sixteen individuals with expertise in transportation research and policy. Like the National Science Foundation, the Center will be organized into a series of research divisions on such issues as safety, the environment, infrastructure, intermodal connections, and transportation economics and financial policy. Regional Centers for Transportation Solutions will also be established to investigate these important issues from a regional perspective.

The new Center will not supplant existing transportation research activities but supplement them. It will award competitive, merit-based grants to academic, public, and private research institutions to support long-term strategic transportation objectives. According to the Transportation Research Board, ''competition for funds and merit review of proposals are the best ways of ensuring the maximum return on investment of research funding and addressing strategic national transportation system goals.'' Sadly, much of the funding that is designated for transportation research today is earmarked for specific projects or research institutions without open competition.

Finally, the Center will facilitate the interchange of transportation research data among interested parties, work closely with the United States Department of Transportation in setting research priorities, and coordinate its scientific research programs with public and private research groups.

This legislation is a work in progress. In the coming months, I intend to further refine it for reintroduction in the 109th Congress. Nevertheless, the bill embodies an important goal namely, the need for increased resources and strategic planning devoted to tackling the nation's long-term transportation needs.

I realize that the 108th Congress is nearing completion. I am also aware that the Senate and the House of Representatives will likely revisit the reauthorization of surface transportation programs soon after the 109th Congress convenes in 2005. That legislation would be the perfect opportunity for Congress to look farther into the future—even beyond the traditional six-year scope of the surface transportation bill—and begin to make the investments necessary for solving our nation's most difficult transportation problems. After all, if we can devote resources to finding a cure for cancer and other life-threatening illnesses, shouldn't we do the same and find a cure for traffic congestion?

By Mr. FRIST (for himself and Mr. ENSIGN)

S. 3026. A bill to support the boy Scouts of America and the Girl Scouts of the United States of America; to the Committee on the Judiciary.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3026

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

SECTION 1. SUPPORT OUR SCOUTS.

(a) DEFINITION.—In this section the term ''Federal agency'' means each department, agency, instrumentality, or other entity of the United States Government.

(b) IN GENERAL.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support to the Boy Scouts of America or the Girls Scouts of the United States of America

(or any organization chartered by the Boy Scouts of America or the Girl Scouts of the United States of America), including—

(1) holding meetings, jamborees, camporees, or other scouting activities on Federal property if such organization has received permission from the appropriate Federal official responsible for such property; or

(2) hosting or sponsoring any official event of such organization.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 479—ESTABLISHING A SPECIAL COMMITTEE ADMINISTERED BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS TO CONDUCT AN INVESTIGATION INVOLVING HALLIBURTON COMPANY AND WAR PROFITEERING, AND OTHER RELATED MATTERS

Mr. LAUTENBERG submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 479

Resolved,

SECTION 1. ESTABLISHMENT OF SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee administered by the Committee on Governmental Affairs to be known as the ''Special Committee to Investigate Halliburton, War Profiteering, and Related Matters'' (referred to in this resolution as the ''special committee'').

(b) PURPOSES.—The purposes of the special committee are—

(1) to conduct an investigation and public hearings into, and study of, whether any contracts awarded to Halliburton, its subsidiaries or affiliates (referred to in this resolution as ''Halliburton'') were improperly coordinated by the Vice President's office, or any other office or component of the executive branch;

(2) to conduct an investigation and public hearings into, and study of, the propriety of the no-bid Restore Iraqi Oil (''RIO'') Contract awarded to Halliburton by the Department of Defense;

(3) to conduct an investigation and public hearings into, and study of, whether Halliburton overcharged the government for meals, gasoline, and other goods and services, in connection with either—

(A) any contract that was not competitively bid; or

(B) any other contract;

(4) to conduct an investigation and public hearings into, and study of, whether Halliburton deliberately or negligently wasted taxpayer funds in order to inflate the value of any ''cost-plus'' contract;

(5) to conduct an investigation and public hearings into, and study of, whether Halliburton or any of its employees either—

(A) accepted kickbacks or other improper considerations in return for awarding subcontracts; or

(B) engaged in any other improper behavior in awarding subcontracts;

(6) to conduct an investigation and public hearings into, and study of, whether Halliburton or its employees violated United States sanctions laws by conducting prohibited activities with respect to Iran, Syria, Libya, North Korea, Cuba, or Iraq;

(7) to conduct an investigation and public hearings into, and study of, whether Halliburton violated United States or international laws or standards in its treatment of its subcontractors, foreign and United States employees in Iraq;

(8) to conduct an investigation and public hearings into, and study of, whether Halliburton appropriately documented its expenses in Iraq;

(9) to conduct an investigation and public hearings into, and study of, the ultimate uses of United States Government funds that Halliburton spent in Iraq;

(10) to conduct an investigation and public hearings into, and study of, payments by the Department of Defense to Halliburton, including—

(A) whether the Department of Defense erred in not withholding 15 percent from its payments of Halliburton's invoices, as required under Federal Acquisition Regulations; and

(B) whether improper influence was used in determining payments to Halliburton;

(11) to conduct an investigation and public hearings into, and study of, whether the Department of Defense improperly allowed Halliburton access to confidential records or discussions in connection with Halliburton's contract negotiations with the Department of Defense;

(12) to conduct an investigation and public hearings into, and study of, Halliburton's financial relationship with the Government of Nigeria or officials of the Government of Nigeria, including—

(A) whether Halliburton paid bribes in connection with business in Nigeria; and

(B) if Halliburton did pay such bribes, whether those bribes were used by their recipients to fund illicit activities;

(13) to make such findings of fact as are warranted and appropriate;

(14) to make such recommendations, including recommendations for legislative, administrative, or other actions, as the special committee may determine to be necessary or desirable; and

(15) to fulfill the constitutional oversight and informational functions of Congress with respect to the matters described in this subsection.

SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of—

(A) the members of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs;

(B) the chairman and ranking member of the Committee on the Judiciary, or their designees from the Committee on the Judiciary;

(C) the chairman and ranking member of the Committee on Armed Services.

(2) SENATE RULE XXV.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as the chairman or other member of the special committee shall not be taken into account.

(b) ORGANIZATION OF SPECIAL COMMITTEE.—

(1) CHAIRMAN.—The chairman of the Committee on Armed Services shall serve as the chairman of the special committee (referred to in this resolution as the ''chairman'').

(2) RANKING MEMBER.—The ranking member of the Committee on Armed Services shall serve as the ranking member of the special committee (referred to in this resolution as the ''ranking member'').

(3) QUORUM.—A majority of the members of the special committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate. A majority of the members of the special committee, or ⅓ of the members of the special committee if at least one member of the minority party is present, shall constitute a quorum for the conduct of other business. One member of the special committee shall constitute a quorum for the purpose of taking testimony.

(c) RULES AND PROCEDURES.—

(1) IN GENERAL.—Except as otherwise specifically provided in this resolution, the special committee's investigation, study, and hearings shall be governed by the Standing Rules of the Senate and the Rules of Procedure of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

(2) ADDITIONAL RULES.—The special committee may adopt additional rules or procedures not inconsistent with this resolution or the Standing Rules of the Senate if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures shall become effective upon publication in the Congressional Record.

SEC. 3. STAFF OF THE SPECIAL COMMITTEE.

(a) APPOINTMENTS.—To assist the special committee in the investigation, study, and hearings authorized by this resolution, the chairman and the ranking member each may appoint special committee staff, including consultants.

(b) ASSISTANCE FROM THE SENATE LEGAL COUNSEL.—To assist the special committee in the investigation, study, and hearings authorized by this resolution, the Senate Legal Counsel and the Deputy Senate Legal Counsel shall work with and under the jurisdiction and authority of the special committee.

(c) ASSISTANCE FROM THE COMPTROLLER GENERAL.—The Comptroller General of the United States is requested to provide from the Government Accountability Office whatever personnel or other appropriate assistance as may be required by the special committee, or by the chairman or the ranking member.

SEC. 4. PUBLIC ACTIVITIES OF THE SPECIAL COMMITTEE.

(a) IN GENERAL.—Consistent with the rights of persons subject to investigation and inquiry, the special committee shall make every effort to fulfill the right of the public and Congress to know the essential facts and implications of the activities of officials of the United States Government and other persons and entities with respect to the matters under investigation and study, as described in section 1.

(b) DUTIES.—In furtherance of the right of the public and Congress to know, the special committee—

(1) shall hold, as the chairman (in consultation with the ranking member) considers appropriate and in accordance with paragraph 5(b) of rule XXVI of the Standing Rules of the Senate, hearings on specific subjects;

(2) may make interim reports to the Senate as it considers appropriate; and

(3) shall make a final comprehensive public report to the Senate which contains—

(A) a description of all relevant factual determinations; and

(B) recommendations for legislation, if necessary.

SEC. 5. POWERS OF THE SPECIAL COMMITTEE.

(a) IN GENERAL.—The special committee shall do everything necessary and appropriate under the laws and the Constitution of the United States to conduct the investigation, study, and hearings authorized by section 1.

(b) EXERCISE OF AUTHORITY.—The special committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978, including the following:

(1) SUBPOENA POWERS.—To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the special committee. A subpoena or order may be authorized by the special committee or by the chairman with the agreement of the ranking member, and may be issued by the chairman or any other member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or outside of the borders of the United States to the full extent permitted by law. The chairman, or any other member of the special committee, is authorized to administer oaths to any witnesses appearing before the special committee. If a return on a subpoena or order for the production of documentary or physical evidence is incomplete or accompanied by an objection, the chairman (in consultation with the ranking member) may convene a meeting or hearing to determine the adequacy of the return and to rule on the objection. At a meeting or hearing on such a return, one member of the special committee shall constitute a quorum. The special committee shall not initiate procedures leading to civil or criminal enforcement of a subpoena unless the person or entity to whom the subpoena is directed refuses to produce the required documentary or physical evidence after having been ordered and directed to do so.

(2) COMPENSATION AUTHORITY.—To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the special committee, or the chairman or the ranking member, considers necessary or appropriate.

(3) MEETINGS.—To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(4) HEARINGS.—To hold hearings, take testimony under oath, and receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study. Unless the chairman and the ranking member otherwise agree, the questioning of a witness or a panel of witnesses at a hearing shall be limited to one initial 30-minute turn each for the chairman and the ranking member, or their designees, including majority and minority staff, and thereafter to 10-minute turns by each member of the special committee if 5 or more members are present, and to 15-minute turns by each member of the special committee if fewer than 5 members are present. A member may be permitted further questions of the witness or panel of witnesses, either by using time that another member then present at the hearing has yielded for that purpose during the yielding member's turn, or by using time allotted after all members have been given an opportunity to question the witness or panel of witnesses. At all times, unless the chairman and the ranking member otherwise agree, the questioning shall alternate back and forth between members of the majority party and members of the minority party. In their discretion, the chairman and the ranking member, respectively, may designate majority or minority staff to question a witness or a panel of witnesses at a hearing during time yielded by a member of the chairman's or the ranking member's party then present at the hearing for his or her turn.

(5) TESTIMONY OF WITNESSES.—To require by subpoena or order the attendance, as a witness before the special committee or at a deposition, of any person who may have knowledge or information concerning any of the matters that the special committee is authorized to investigate and study.

(6) IMMUNITY.—To grant a witness immunity under sections 6002 and 6005 of title 18, United States Code, provided that the independent counsel has not informed the special committee in writing that immunizing the witness would interfere with the ability of the independent counsel successfully to prosecute criminal violations. Not later than 10 days before the special committee seeks a Federal court order for a grant of immunity by the special committee, the Senate Legal Counsel shall cause to be delivered to the independent counsel a written request asking the independent counsel promptly to inform the special committee in writing if, in the judgment of the independent counsel, the grant of immunity would interfere with the ability of the independent counsel successfully to prosecute criminal violations. The Senate Legal Counsel's written request of the independent counsel required by this paragraph shall be in addition to all notice requirements set forth in sections 6002 and 6005 of title 18, United States Code.

(7) DEPOSITIONS.—To take depositions and other testimony under oath anywhere within the United States, to issue orders that require witnesses to answer written interrogatories under oath, and to make application for the issuance of letters rogatory. All depositions shall be conducted jointly by majority and minority staff of the special committee. A witness at a deposition shall be examined upon oath administered by a member of the special committee or an individual authorized by local law to administer oaths, and a complete transcription or electronic recording of the deposition shall be made. Questions shall be propounded first by majority staff of the special committee and then by minority staff of the special committee. Any subsequent round of questioning shall proceed in the same order. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer on the basis of relevance or privilege, the special committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling on the objection from the chairman. If the chairman overrules the objection, the chairman may order and direct the witness to answer the question, but the special committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to answer after having been ordered and directed to answer.

(8) DELEGATIONS TO STAFF.—To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special committee, or the chairman with the concurrence of the ranking member, may delegate to designated staff members of the special committee the power to issue deposition notices authorized pursuant to this paragraph.

(9) INFORMATION FROM OTHER SOURCES.—To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government;

(B) any person or entity purporting to act under color or authority of State or local law; or

(C) any private person, firm, corporation, partnership, or other organization;

to produce for consideration by the special committee or for use as evidence in the investigation, study, or hearings of the special committee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions that the special committee is authorized to investigate and study which any such person or entity may possess or control.

(10) RECOMMENDATIONS TO THE SENATE.—To make to the Senate any recommendations, by report or resolution, including recommendations for criminal or civil enforcement, which the special committee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in compliance with a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during the appearance of that person as a witness before the special committee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government;

(ii) any person or entity purporting to act under color or authority of State or local law; or

(iii) any private person, partnership, firm, corporation, or organization;

to produce before the special committee, or at a deposition, or at any time or place designated by the committee, any book, check, canceled check, correspondence, communication, document, financial record, paper, physical evidence, photograph, record, recording, tape, or any other material in compliance with any subpoena or order.

(11) CONSULTANTS.—To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(12) OTHER GOVERNMENT PERSONNEL.—To use, on a reimbursable basis and with the prior consent of the Government department or agency concerned, the services of the personnel of such department or agency.

(13) OTHER CONGRESSIONAL STAFF.—To use, with the prior consent of any member of the Senate or the chairman or the ranking member of any other Senate committee or the chairman or ranking member of any subcommittee of any committee of the Senate, the facilities or services of the appropriate members of the staff of such member of the Senate or other Senate committee or subcommittee, whenever the special committee or the chairman or the ranking member considers that such action is necessary or appropriate to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution.

(14) ACCESS TO INFORMATION AND EVIDENCE.—To permit any members of the special committee, staff director, counsel, or other staff members or consultants designated by the chairman or the ranking member, access to any data, evidence, information, report, analysis, document, or paper—

(A) that relates to any of the matters or questions that the special committee is authorized to investigate or study under this resolution;

(B) that is in the custody or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States without regard to the jurisdiction or authority of any other Senate committee or subcommittee; and

(C) that will assist the special committee to prepare for or conduct the investigation, study, and hearings authorized by this resolution.

(15) REPORTS OF VIOLATIONS OF LAW.—To report possible violations of any law to appropriate Federal, State, or local authorities.

(16) EXPENDITURES.—To expend, to the extent that the special committee determines necessary and appropriate, any money made

available to the special committee by the Senate to carry out this resolution.

(17) TAX RETURN INFORMATION.—To inspect and receive, in accordance with the procedures set forth in sections 6103(f)(3) and 6104(a)(2) of the Internal Revenue Code of 1986, any tax return or tax return information, held by the Secretary of the Treasury, if access to the particular tax-related information sought is necessary to the ability of the special committee to carry out section 1(b)(3)(B).

SEC. 6. PROTECTION OF CONFIDENTIAL INFORMATION.

(a) NONDISCLOSURE.—No member of the special committee or the staff of the special committee shall disclose, in whole or in part or by way of summary, to any person other than another member of the special committee or other staff of the special committee, for any purpose or in connection with any proceeding, judicial or otherwise, any testimony taken, including the names of witnesses testifying, or material presented, in depositions or at closed hearings, or any confidential materials or information, unless authorized by the special committee or the chairman in concurrence with the ranking member.

(b) STAFF NONDISCLOSURE AGREEMENT.—All members of the staff of the special committee with access to confidential information within the control of the special committee shall, as a condition of employment, agree in writing to abide by the conditions of this section and any nondisclosure agreement promulgated by the special committee that is consistent with this section.

(c) SANCTIONS.—

(1) MEMBER SANCTIONS.—The case of any Senator who violates the security procedures of the special committee may be referred to the Select Committee on Ethics of the Senate for investigation and the imposition of sanctions in accordance with the rules of the Senate.

(2) STAFF SANCTIONS.—Any member of the staff of the special committee who violates the security procedures of the special committee shall immediately be subject to removal from office or employment with the special committee or such other sanction as may be provided in any rule issued by the special committee consistent with section 2(c).

(d) STAFF DEFINED.—For purposes of this section, the term ''staff of the special committee'' includes—

(1) all employees of the special committee;

(2) all staff designated by the members of the special committee to work on special committee business;

(3) all Senate staff assigned to special committee business pursuant to section 5(b)(13);

(4) all officers and employees of the Office of Senate Legal Counsel who are requested to work on special committee business; and

(5) all detailees and consultants to the special committee.

SEC. 7. RELATION TO OTHER INVESTIGATIONS.

(a) PURPOSES.—The purposes of this section are—

(1) to expedite the thorough conduct of the investigation, study, and hearings authorized by this resolution;

(2) to promote efficiency among all the various investigations underway in all branches of the United States Government; and

(3) to engender a high degree of confidence on the part of the public regarding the conduct of such investigation, study, and hearings.

(b) SPECIAL COMMITTEE ACTIONS.—To carry out the purposes stated in subsection (a), the special committee is encouraged—

(1) to obtain relevant information concerning the status of the investigation of the independent counsel, to assist in establishing a hearing schedule for the special committee; and

(2) to coordinate, to the extent practicable, the activities of the special committee with the investigation of the independent counsel.

SEC. 8. SALARIES AND EXPENSES.

A sum equal to not more than $1,000,000 for the period beginning on the date of adoption of this resolution and ending on February 28, 2006, shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the special committee under this resolution, which shall include not more than $750,000 for the procurement of the services of individual consultants or organizations thereof, in accordance with section 5(b)(11). Payment of expenses shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

SEC. 9. REPORTS; TERMINATION.

(a) COMPLETION OF DUTIES.—

(1) IN GENERAL.—The special committee shall make every reasonable effort to complete, not later than February 1, 2006, the investigation, study, and hearings authorized by section 1.

(2) EVALUATION OF PROGRESS.—The special committee shall evaluate the progress and status of the investigation, study, and hearings authorized by section 1 and, not later than January 15, 2006, make recommendations with respect to the authorization of additional funds for a period following February 28, 2006. If the special committee requests the authorization of additional funds for a period following February 28, 2006, the majority leader and the minority leader shall meet and determine the appropriate timetable and procedures for the Senate to vote on any such request.

(b) FINAL REPORT.—

(1) SUBMISSION.—The special committee shall promptly submit a final public report to the Senate of the results of the investigation, study, and hearings conducted by the special committee pursuant to this resolution, together with its findings and any recommendations.

(2) CONFIDENTIAL INFORMATION.—The final report of the special committee may be accompanied by such confidential annexes as are necessary to protect confidential information.

(3) CONCLUSION OF BUSINESS.—After submission of its final report, the special committee shall promptly conclude its business and close out its affairs.

(c) RECORDS.—Upon the conclusion of the special committee's business and the closing out of its affairs, all records, files, documents, and other materials in the possession, custody, or control of the special committee shall remain under the control of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

SEC. 10. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the special committee is granted pursuant to this resolution, notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

SENATE RESOLUTION 480—EXTENDING THE AUTHORITY FOR THE SENATE NATIONAL SECURITY WORKING GROUP

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was submitted and read:

S. RES. 480

Resolved, That Senate Resolution 105 of the One Hundred First Congress, 1st session (agreed to on April 13, 1989), as amended by Senate Resolution 149 of the One Hundred Third Congress, 1st session (agreed to on October 5, 1993), as further amended by Senate Resolution 75 of the One Hundred Sixth Congress, 1st session (agreed to on March 25, 1999), as further amended by Senate Resolution 383 of the One Hundred Sixth Congress, 2d session (agreed to on October 27, 2000), and as further amended by Senate Resolution 355 of the One Hundred Seventh Congress, 2d session (agreed to on November 13, 2002), is further amended—

(1) in section (1)(a)(3)—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (A) the following new subparagraphs:

''(B) The Working Group may also study any issues related to national security that the Majority Leader and Minority Leader jointly determine appropriate.

''(C) In addition, the Working Group is encouraged to consult with parliamentarians and legislators of foreign nations and to participate in international forums and institutions regarding the matters described in subparagraphs (A) and (B).'';

(2) by striking each section designated as section 4; and

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

''SEC. 4. The provisions of this resolution shall remain in effect until December 31, 2006.''.

SENATE RESOLUTION 481—EXPRESSING THE GRATITUDE AND APPRECIATION OF THE SENATE FOR THE ACTS OF HEROISM AND MILITARY ACHIEVEMENT OF MAJOR RICHARD D. WINTERS (RET.) DURING WORLD WAR II, AND COMMENDING HIM FOR LEADERSHIP AND VALOR IN LEADING THE MEN OF EASY COMPANY

Mr. SANTORUM submitted the following resolution: which was submitted and read:

S. RES. 481

Whereas historians have written that World War II began on September 1, 1939, when Nazi Germany, without a declaration of war, invaded Poland; and following Poland's surrender, the Nazis quickly moved to invade and occupy Denmark, Norway, Luxembourg, the Netherlands, and Belgium;

Whereas following the Japanese sneak attack on the United States at Pearl Harbor, Hawaii on December 7, 1941, the United States declared war on Japan and entered the conflict on the side of freedom and democracy;

Whereas when the fate of the free world was in jeopardy as a direct result of Adolf Hitler and the Nazi regime's desire for world conquest, the ''greatest generation ever'' took up the task of ridding the world of Nazi and Fascist regimes;

Whereas in 1944 the military forces of the United States, the United Kingdom, and Canada landed at 5 beaches (Utah Beach, Omaha Beach, Gold Beach, Juno Beach, and Sword Beach) in Normandy, France with the goal of liberating Europe from the Nazi forces;

Whereas according to military historians, in preparation for the amphibious invasion at Normandy, Allied planes pounded the Nazi defenders and dropped thousands of paratroopers behind German lines the night before the seaborne landings;

Whereas Major Richard D. Winters (Ret.), a native of Lancaster, Pennsylvania and a graduate of Franklin & Marshall College, served the United States honorably and with great distinction as 1st Lieutenant, Company E, 2nd Battalion, 506th Parachute Infantry Regiment, 101st Airborne Division;

Whereas landing at the town of Ste. Mere-Eglise on June 6, 1944, Lieutenant Winters took command of ''Easy Company'' following the death of the company commander in the airborne drop, and received orders to destroy a four-gun battery of German 105mm howitzers at a French farmhouse named ''Brecourt Manor'', 3 kilometers from Ste. Marie-du-Mont;

Whereas Lieutenant Winters, with only 12 men, proceeded to assault this enemy battery which was directing heavy fire against the 4th Infantry Division as they landed on Utah Beach;

Whereas against great odds, and through extraordinary bravery, Lieutenant Winters and his men were able to overcome a platoon of 50 elite German soldiers guarding the battery;

Whereas Lieutenant Winters personally led the attack and repeatedly exposed himself directly to enemy fire while performing his military duties;

Whereas this gallant action by Lieutenant Winters and his men, 4 of whom gave their lives, and 2 of whom were wounded, saved countless lives among the soldiers of the 4th Infantry Division; and

Whereas Lieutenant Richard D. Winters received the Distinguished Service Cross in recognition of his outstanding military service and achievement during the Normandy campaign: Now, therefore, be it

Resolved, That the Senate—

(1) salutes the accomplishments of Lieutenant Richard D. Winters and the men of ''Easy Company'' for their actions to ensure control over Utah Beach at Normandy;

(2) commends the heroism and bravery shown by Lieutenant Richard D. Winters in the face of death and severe hardship to accomplish his mission and save the lives of Allied Forces landing at Utah Beach;

(3) acknowledges the historical achievements of Lieutenant Richard D. Winters and the men of ''Easy Company'' in assuring the success of the Allied Normandy campaign, begun on June 6, 1944; and

(4) expresses its gratitude for the selfless service of Lieutenant Richard D. Winters, the men of ''Easy Company,'' and all veterans who served in World War II in restoring freedom to the world and for defeating the elements of evil and oppression.

SENATE RESOLUTION 482—CONGRATULATING THE BOSTON RED SOX ON WINNING THE 2004 WORLD SERIES

Mr. KENNEDY (for himself, Mr. REED, Mr. KERRY, Mr. DODD, Mr. JEFFORDS, Mr. SUNUNU, and Mr. CHAFEE) submitted the following resolution; which was submitted and read:

S. RES. 482

Whereas on October 27, 2004, the Boston Red Sox won their first World Series title in 86 years in a four-game sweep of the St. Louis Cardinals;

Whereas the Red Sox won their sixth world title in the 104-year history of the storied franchise;

Whereas the 2004 Red Sox World Champion team epitomized sportsmanship, selfless play, team spirit, determination, and heart in the course of winning 98 games in the regular season and clinching the American League Wild Card playoff berth;

Whereas the 2004 Red Sox World Champion team honored the careers of all former Red Sox legends, including Joe Cronin, Bobby Doerr, Carlton Fisk, Jimmie Foxx, Carl Yastrzemski, Cy Young, Johnny Pesky, Dom DiMaggio, Jim Rice, and Ted Williams;

Whereas the 2004 postseason produced new Red Sox legends, including Derek Lowe, Pedro Martinez, Curt Schilling, Tim Wakefield, Jason Varitek, Keith Foulke, Manny Ramirez, David Ortiz, Johnny Damon, Trot Nixon, Orlando Cabrera, Kevin Millar, Mike Timlin, Alan Embree, Mark Bellhorn, Bill Mueller, and Dave Roberts;

Whereas Red Sox Manager Terry Francona brought fresh leadership to the clubhouse this year, and brought together a self-proclaimed ''band of idiots'' and made them into one of the greatest Red Sox teams of all time;

Whereas Red Sox owners John Henry and Tom Werner and Red Sox President and Chief Executive Officer Larry Lucchino never wavered from their goal of bringing a World Series Championship to Boston;

Whereas Red Sox General Manager Theo Epstein assembled a team with strong pitching, a crushing offense, and most important, the heart and soul of a champion;

Whereas the Red Sox never trailed in any of the 36 innings of the World Series;

Whereas the Red Sox set a new major league record by winning eight consecutive games in the postseason;

Whereas Derek Lowe, Pedro Martinez, and Curt Schilling delivered gutsy pitching performances in the postseason worthy of their status as some of the best pitchers in Red Sox history;

Whereas the Red Sox starting pitching in Games 2, 3, and 4 of the World Series had a combined earned run average of 0.00;

Whereas Manny Ramirez won the 2004 World Series Most Valuable Player award in the World Series after batting .350 in the postseason with two home runs and 11 runs batted in;

Whereas the Red Sox staged the greatest comeback in baseball history in the American League Championship Series against their rivals, the New York Yankees, by winning four consecutive games after losing the first three games of the series;

Whereas the Red Sox prevailed in four consecutive American League Championship Series games, while producing some of the most memorable moments in sports history, including Dave Roberts stealing second base in the bottom of the ninth inning of Game 4, David Ortiz securing a walk-off home run in the 12th inning of Game 4, David Ortiz singling in the winning run in the bottom of the 14th inning in Game 5, and Johnny Damon making a grand slam in Game 7;

Whereas the entire Red Sox organization has a strong commitment to charitable causes in New England, demonstrated by the team's 51-year support of the Dana-Farber Cancer Institute's Jimmy Fund in the fight against childhood cancers;

Whereas fans of the Red Sox do not live only in Boston or New England, but all across the country and the world, and a grateful ''Red Sox Nation'' thanks the team for bringing a World Championship home to Boston;

Whereas the 2004 Boston Red Sox and their loyal fans believed; and

Whereas this IS next year: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Boston Red Sox for winning the 2004 Major League Baseball World Series and for their incredible performance during the 2004 Major League Baseball season; and

(B) the eight Major League Baseball teams that played in the postseason;

(2) recognizes the achievements of the Boston Red Sox players, manager, coaches, and support staff whose hard work, dedication, and spirit made this all possible;

(3) commends—

(A) the St. Louis Cardinals for a valiant performance during the 2004 season and the World Series; and

(B) the fans and management of the St. Louis Cardinals for allowing the Red Sox fans from Boston and around the Nation to celebrate their first title in 86 years at their home field; and

(4) directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2004 Boston Red Sox team;

(B) Red Sox Manager Terry Francona;

(C) Red Sox General Manager Theo Epstein;

(D) Red Sox President and Chief Executive Officer Larry Lucchino;

(E) Red Sox Principal Owner John Henry; and

(F) Red Sox Chairman Tom Werner.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4074. Mr. MCCAIN proposed an amendment to the bill S. 3021, to provide for the protection of intellectual property rights, and for other purposes.

SA 4075. Mr. MCCAIN (for Ms. COLLINS) proposed an amendment to the bill S. 2657, 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.

SA 4076. Mr. STEVENS proposed an amendment to the concurrent resolution H. Con. Res. 528, Official Title Not Available.

SA 4077. Mr. FRIST (for Ms. COLLINS (for herself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2635, to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of the United States and to address the homeland security needs of Federal, State, and local governments.

SA 4078. Mr. FRIST (for Mr. INOUYE) proposed an amendment to the bill S. 2488, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

SA 4079. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 529, Official Title Not Available.

TEXT OF AMENDMENTS

SA 4074. Mr. MCCAIN proposed an amendment to the bill S. 3021, to provide for the protection of intellectual property rights, and for other purposes; as follows:

TITLE II—PROFESSIONAL BOXING SAFETY

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Professional Boxing Amendments Act of 2004''.

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

Sec. 201. Short title; table of contents.

Sec. 202. Amendment of Professional Boxing Safety Act of 1996.
Sec. 203. Definitions.
Sec. 204. Purposes.
Sec. 205. United States Boxing Commission approval, or ABC or commission sanction, required for matches.
Sec. 206. Safety standards.
Sec. 207. Registration.
Sec. 208. Review.
Sec. 209. Reporting.
Sec. 210. Contract requirements.
Sec. 211. Coercive contracts.
Sec. 212. Sanctioning organizations.
Sec. 213. Required disclosures by sanctioning organizations.
Sec. 214. Required disclosures by promoters and broadcasters.
Sec. 215. Judges and referees.
Sec. 216. Medical registry.
Sec. 217. Conflicts of interest.
Sec. 218. Enforcement.
Sec. 219. Repeal of deadwood.
Sec. 220. Recognition of tribal law.
Sec. 221. Establishment of United States Boxing Commission.
Sec. 222. Study and report on definition of promoter.
Sec. 223. Effective date.

SEC. 202. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

Except as otherwise expressly provided, whenever in this title 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 the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

SEC. 203. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

"SEC. 2. DEFINITIONS.

''In this Act:

''(1) COMMISSION.—The term 'Commission' means the United States Boxing Commission.

''(2) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer that requires the boxer to participate in a professional boxing match for a particular date.

''(3) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

''(4) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

''(5) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Commission for the purposes of maintaining records and identification of boxers.

''(6) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

''(7) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

''(8) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

''(9) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, corner man, second, or cut man for a boxer.

''(10) MANAGER.—The term 'manager' means a person other than a promoter who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

''(11) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match.

''(12) PHYSICIAN.—The term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action and who has training and experience in dealing with sports injuries, particularly head trauma.

''(13) PROFESSIONAL BOXING MATCH.—The term 'professional boxing match' means a boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Commission.

''(14) PROMOTER.—The term 'promoter'—

''(A) means the person primarily responsible for organizing, promoting, and producing a professional boxing match; but

''(B) does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

''(i) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

''(ii) there is no other person primarily responsible for organizing, promoting, and producing the match.

''(15) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract, for the acquisition of rights relating to a boxer's participation in a professional boxing match or series of boxing matches (including the right to sell, distribute, exhibit, or license the match or matches), with—

''(A) the boxer who is to participate in the match or matches; or

''(B) the nominee of a boxer who is to participate in the match or matches, or the nominee is an entity that is owned, controlled or held in trust for the boxer unless that nominee or entity is a licensed promoter who is conveying a portion of the rights previously acquired.

''(16) STATE.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

''(17) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

''(A) between boxers who are residents of different States; or

''(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

''(18) SUSPENSION.—The term 'suspension' includes within its meaning the temporary revocation of a boxing license.

''(19) TRIBAL ORGANIZATION.—The term 'tribal organization' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).''.

(b) CONFORMING AMENDMENT.—Section 21 (15 U.S.C. 6312) is amended to read as follows:

"SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

''(b) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

''(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

''(2) the guidelines established by the United States Boxing Commission.

''(c) APPLICATION OF ACT TO BOXING MATCHES ON TRIBAL LANDS.—The provisions of this Act apply to professional boxing matches held on tribal lands to the same extent and in the same way as they apply to professional boxing matches held in any State.''.

SEC. 204. PURPOSES.

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking ''State''.

SEC. 205. UNITED STATES BOXING COMMISSION APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.

(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

"SEC. 4. APPROVAL OR SANCTION REQUIREMENT.

''(a) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

''(1) is approved by the Commission; and

''(2) is held in a State, or on tribal land of a tribal organization, that regulates professional boxing matches in accordance with standards and criteria established by the Commission.

''(b) APPROVAL PRESUMED.—

''(1) IN GENERAL.—For purposes of subsection (a), the Commission shall be presumed to have approved any match other than—

''(A) a match with respect to which the Commission has been informed of an alleged violation of this Act and with respect to which it has notified the supervising boxing commission that it does not approve;

''(B) a match advertised to the public as a championship match;

''(C) a match scheduled for 10 rounds or more; or

''(D) a match in which 1 of the boxers has—

''(i) suffered 10 consecutive defeats in professional boxing matches; or

''(ii) has been knocked out 5 consecutive times in professional boxing matches.

''(2) DELEGATION OF APPROVAL AUTHORITY.—Notwithstanding paragraph (1), the Commission shall be presumed to have approved a match described in subparagraph (B), (C), or (D) of paragraph (1) if—

''(A) the Commission has delegated in writing its approval authority with respect to that match to a boxing commission; and

''(B) the boxing commission has approved the match.

''(3) KNOCKED-OUT DEFINED.—Except as may be otherwise provided by the Commission by rule, in paragraph (1)(D)(ii), the term 'knocked out' means knocked down and unable to continue after a count of 10 by the referee or stopped from continuing because of a technical knockout.''.

(b) CONFORMING AMENDMENT.—Section 19 (15 U.S.C. 6310) is repealed.

SEC. 206. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking ''requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:'' and inserting ''requirements:'';

(2) by adding at the end of paragraph (1) ''The examination shall include testing for

infectious diseases in accordance with standards established by the Commission.'';

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

''(2) An ambulance continuously present on site.'';

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

''(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.''; and

(5) by striking ''match.'' in paragraph (5), as redesignated, and inserting ''match in an amount prescribed by the Commission.''.

SEC. 207. REGISTRATION.

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting ''or Indian tribe'' after ''State'' the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting ''A boxing commission shall, in accordance with requirements established by the Commission, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.'';

(3) by striking ''should'' in the second sentence of subsection (c) and inserting ''shall, at a minimum,''; and

(4) by adding at the end the following:

''(d) COPY OF REGISTRATION AND IDENTIFICATION CARDS TO BE SENT TO COMMISSION.—A boxing commission shall furnish a copy of each registration received under subsection (a), and each identification card issued under subsection (b), to the Commission.''.

SEC. 208. REVIEW.

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking ''that, except as provided in subsection (b), no'' in subsection (a)(2) and inserting ''that no'';

(2) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

''(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.'';

(3) by striking subsection (b); and

(4) by striking ''(a) PROCEDURES.—''.

SEC. 209. REPORTING.

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking ''48 business hours'' and inserting ''2 business days'';

(2) by striking ''bxoing'' and inserting ''boxing''; and

(3) by striking ''each boxer registry.'' and inserting ''the Commission.''.

SEC. 210. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

''SEC. 9. CONTRACT REQUIREMENTS.

''(a) IN GENERAL.—The Commission, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

''(b) FILING AND APPROVAL REQUIREMENTS.—

''(1) COMMISSION.—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Commission, and, if requested, to the boxing commission with jurisdiction over the bout.

''(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

''(c) BOND OR OTHER SURETY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.''.

SEC. 211. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting ''OR ELIMINATION'' after ''MANDATORY'' in the heading of subsection (b); and

(3) by inserting ''or elimination'' after ''mandatory'' in subsection (b).

SEC. 212. SANCTIONING ORGANIZATIONS.

(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) is amended to read as follows:

''SEC. 11. SANCTIONING ORGANIZATIONS.

''(a) OBJECTIVE CRITERIA.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2004, the Commission shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits and professional record of the boxers. Within 90 days after the Commission's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

''(b) NOTIFICATION OF CHANGE IN RATING.—A sanctioning organization shall, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers—

''(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

''(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Commission;

''(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization; and

''(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

''(c) CHALLENGE OF RATING.—If, after disposing with an appeal under subsection (b)(3), a sanctioning organization receives a petition from a boxer challenging that organization's rating of the boxer, it shall (except to the extent otherwise required by the Commission), within 7 days after receiving the petition—

''(1) provide to the boxer a written explanation under penalty of perjury of the organization's rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

''(2) submit a copy of its explanation to the Association of Boxing Commissions and the Commission for their review.''.

(b) CONFORMING AMENDMENTS.—Section 18(e) (15 U.S.C. 6309(e)) is amended—

(1) by striking ''FEDERAL TRADE COMMISSION,'' in the subsection heading and inserting ''UNITED STATES BOXING COMMISSION''; and

(2) by striking ''Federal Trade Commission,'' in paragraph (1) and inserting ''United States Boxing Commission,''.

SEC. 213. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization, if any, for that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match, a written statement of—'';

(2) by striking ''will assess'' in paragraph (1) and inserting ''has assessed, or will assess,''; and

(3) by striking ''will receive'' in paragraph (2) and inserting ''has received, or will receive,''.

SEC. 214. REQUIRED DISCLOSURES BY PROMOTERS AND BROADCASTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking ''promoters.'' in the section caption and inserting ''promoters and broadcasters.'';

(2) by striking so much of subsection (a) as precedes paragraph (1) and inserting the following:

''(a) DISCLOSURES TO BOXING COMMISSIONS AND THE COMMISSION.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match—'';

(3) by striking ''writing,'' in subsection (a)(1) and inserting ''writing, other than a bout agreement previously provided to the commission,'';

(4) by striking ''all fees, charges, and expenses that will be'' in subsection (a)(3)(A) and inserting ''a written statement of all fees, charges, and expenses that have been, or will be,'';

(5) by inserting ''a written statement of'' before ''all'' in subsection (a)(3)(B);

(6) by inserting ''a statement of'' before ''any'' in subsection (a)(3)(C);

(7) by striking the matter in subsection (b) following ''BOXER.—'' and preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 10 rounds or more, the promoter of the match shall provide to each boxer participating in the bout or match with whom the promoter has a bout or promotional agreement a statement of—'';

(8) by striking ''match;'' in subsection (b)(1) and inserting ''match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;''; and

(9) by adding at the end the following:

''(d) REQUIRED DISCLOSURES BY BROADCASTERS.—

''(1) IN GENERAL.—A broadcaster that owns the television broadcast rights for a professional boxing match of 10 rounds or more shall, within 7 days after that match, provide to the Commission—

''(A) a statement of any advance, guarantee, or license fee paid or owed by the broadcaster to a promoter in connection with that match;

''(B) a copy of any contract executed by or on behalf of the broadcaster with—

''(i) a boxer who participated in that match; or

''(ii) the boxer's manager, promoter, promotional company, or other representative or the owner or representative of the site of the match; and

''(C) a list identifying sources of income received from the broadcast of the match.

''(2) COPY TO BOXING COMMISSION.—Upon request from the boxing commission in the State or Indian land responsible for regulating a match to which paragraph (1) applies, a broadcaster shall provide the information described in paragraph (1) to that boxing commission.

''(3) CONFIDENTIALITY.—The information provided to the Commission or to a boxing commission pursuant to this subsection shall

be confidential and not revealed by the Commission or a boxing commission, except that the Commission may publish an analysis of the data in aggregate form or in a manner which does not disclose confidential information about identifiable broadcasters.

''(4) TELEVISION BROADCAST RIGHTS.—In paragraph (1), the term 'television broadcast rights' means the right to broadcast the match, or any part thereof, via a broadcast station, cable service, or multichannel video programming distributor as such terms are defined in section 3(5), 602(6), and 602(13) of the Communications Act of 1934 (47 U.S.C. 153(5), 602(6), and 602(13), respectively).''.

SEC. 215. JUDGES AND REFEREES.

(a) IN GENERAL.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting ''(a) LICENSING AND ASSIGNMENT REQUIREMENT.—'' before ''No person'';

(2) by striking ''certified and approved'' and inserting ''selected'';

(3) by inserting ''or Indian lands'' after ''State''; and

(4) by adding at the end the following:

''(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Commission.

''(c) ROLE OF SANCTIONING ORGANIZATION.—A sanctioning organization may provide a list of judges and referees deemed qualified by that organization to a boxing commission, but the boxing commission shall select, license, and appoint the judges and referees participating in the match.

''(d) ASSIGNMENT OF NONRESIDENT JUDGES AND REFEREES.—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land.

''(e) REQUIRED DISCLOSURE.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Commission.''.

(b) CONFORMING AMENDMENT.—Section 14 (15 U.S.C. 6307f) is repealed.

SEC. 216. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

''SEC. 14. MEDICAL REGISTRY.

''(a) IN GENERAL.—The Commission shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

''(b) CONTENT; SUBMISSION.—The Commission shall determine—

''(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

''(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

''(c) CONFIDENTIALITY.—The Commission shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

''(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

''(2) ensure that the privacy of the boxers is protected.''.

SEC. 217. CONFLICTS OF INTEREST.

Section 17 (15 U.S.C. 6308) is amended—

(1) by striking ''enforces State boxing laws,'' in subsection (a) and inserting ''implements State or tribal boxing laws, no officer or employee of the Commission,'';

(2) by striking ''belong to,'' and inserting ''hold office in,'' in subsection (a);

(3) by striking the last sentence of subsection (a);

(4) by striking subsection (b) and inserting the following:

''(b) BOXERS.—A boxer may not own or control, directly or indirectly, an entity that promotes the boxer's bouts if that entity is responsible for—

''(1) executing a bout agreement or promotional agreement with the boxer's opponent; or

''(2) providing any payment or other compensation to—

''(A) the boxer's opponent for participation in a bout with the boxer;

''(B) the boxing commission that will regulate the bout; or

''(C) ring officials who officiate at the bout.''.

SEC. 218. ENFORCEMENT.

Section 18 (15 U.S.C. 6309) is amended—

(1) by striking ''(a) INJUNCTIONS.—'' in subsection (a) and inserting ''(a) ACTIONS BY ATTORNEY GENERAL.—'';

(2) by striking ''enforces State boxing laws,'' in subsection (b)(3) and inserting ''implements State or tribal boxing laws, any officer or employee of the Commission,'';

(3) by inserting ''has engaged in or'' after ''organization'' in subsection (c);

(4) by striking ''subsection (b)'' in subsection (c)(3) and inserting ''subsection (b), a civil penalty, or''; and

(5) by striking ''boxer'' in subsection (d) and inserting ''person''.

SEC. 219. REPEAL OF DEADWOOD.

Section 20 (15 U.S.C. 6311) is repealed.

SEC. 220. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert ''or tribal'' in the section heading after ''state''; and

(2) by inserting ''or Indian tribe'' after ''State''.

SEC. 221. ESTABLISHMENT OF UNITED STATES BOXING COMMISSION.

(a) IN GENERAL.—The Act is amended by adding at the end the following:

''TITLE II—UNITED STATES BOXING COMMISSION

''SEC. 201. PURPOSE.

''The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

''SEC. 202. UNITED STATES BOXING COMMISSION.

''(a) IN GENERAL.—The United States Boxing Commission is established as a commission within the Department of Commerce.

''(b) MEMBERS.—

''(1) IN GENERAL.—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—

''(A) IN GENERAL.—Each member of the Commission shall be a citizen of the United States who—

''(i) has extensive experience in professional boxing activities or in a field directly related to professional sports;

''(ii) is of outstanding character and recognized integrity; and

''(iii) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation.

''(B) SPECIFIC QUALIFICATIONS FOR CERTAIN MEMBERS.—At least 1 member of the Commission shall be a former member of a local boxing authority. If practicable, at least 1 member of the Commission shall be a physician or other health care professional duly licensed as such.

''(C) DISINTERESTED PERSONS.—No member of the Commission may, while serving as a member of the Commission—

''(i) be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing;

''(ii) have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match; or

''(iii) serve as a member of a boxing commission.

''(3) BIPARTISAN MEMBERSHIP.—Not more than 2 members of the Commission may be members of the same political party.

''(4) GEOGRAPHIC BALANCE.—Not more than 2 members of the Commission may be residents of the same geographic region of the United States when appointed to the Commission. For purposes of the preceding sentence, the area of the United States east of the Mississippi River is a geographic region, and the area of the United States west of the Mississippi River is a geographic region.

''(5) TERMS.—

''(A) IN GENERAL.—The term of a member of the Commission shall be 3 years.

''(B) REAPPOINTMENT.—Members of the Commission may be reappointed to the Commission.

''(C) MIDTERM VACANCIES.—A member of the Commission appointed to fill a vacancy in the Commission occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that unexpired term.

''(D) CONTINUATION PENDING REPLACEMENT.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

''(6) REMOVAL.—A member of the Commission may be removed by the President only for cause.

''(c) EXECUTIVE DIRECTOR.—

''(1) IN GENERAL.—The Commission shall employ an Executive Director to perform the administrative functions of the Commission under this Act, and such other functions and duties of the Commission as the Commission shall specify.

''(2) DISCHARGE OF FUNCTIONS.—Subject to the authority, direction, and control of the Commission the Executive Director shall carry out the functions and duties of the Commission under this Act.

''(d) GENERAL COUNSEL.—The Commission shall employ a General Counsel to provide legal counsel and advice to the Executive Director and the Commission in the performance of its functions under this Act, and to carry out such other functions and duties as the Commission shall specify.

''(e) STAFF.—The Commission shall employ such additional staff as the Commission considers appropriate to assist the Executive Director and the General Counsel in carrying out the functions and duties of the Commission under this Act.

''(f) COMPENSATION.—

''(1) MEMBERS OF COMMISSION.—

''(A) IN GENERAL.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

''(B) TRAVEL EXPENSES.—The members 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.

''(2) EXECUTIVE DIRECTOR AND STAFF.—The Commission shall fix the compensation of the Executive Director, the General Counsel, and other personnel of the Commission. The rate of pay for the Executive Director, the General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''SEC. 203. FUNCTIONS.

''(a) PRIMARY FUNCTIONS.—The primary functions of the Commission are—

''(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

''(2) to ensure uniformity, fairness, and integrity in professional boxing.

''(b) SPECIFIC FUNCTIONS.—The Commission shall—

''(1) administer title I of this Act;

''(2) promulgate uniform standards for professional boxing in consultation with the Association of Boxing Commissions;

''(3) except as otherwise determined by the Commission, oversee all professional boxing matches in the United States;

''(4) work with the boxing commissions of the several States and tribal organizations—

''(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

''(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

''(C) to improve the status and standards of professional boxing in the United States;

''(5) ensure, in cooperation with the Attorney General (who shall represent the Commission in any judicial proceeding under this Act), the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

''(6) review boxing commission regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Commission under this title;

''(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

''(8) if the Commission determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Commission;

''(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Commission determines to be reasonable; and

''(10) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with, the provisions of this title.

''(c) PROHIBITIONS.—The Commission may not—

''(1) promote boxing events or rank professional boxers; or

''(2) provide technical assistance to, or authorize the use of the name of the Commission by, boxing commissions that do not comply with requirements of the Commission.

''(d) USE OF NAME.—The Commission shall have the exclusive right to use the name 'United States Boxing Commission'. Any person who, without the permission of the Commission, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Commission for the purpose of inducing the sale or exchange of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Commission for the remedies provided in the Act of July 5, 1946 (commonly known as the 'Trademark Act of 1946'; 15 U.S.C. 1051 et seq.).

''SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

''(a) LICENSING.—

''(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

''(2) APPLICATION AND TERM.—

''(A) IN GENERAL.—The Commission shall—

''(i) establish application procedures, forms, and fees;

''(ii) establish and publish appropriate standards for licenses granted under this section; and

''(iii) issue a license to any person who, as determined by the Commission, meets the standards established by the Commission under this title.

''(B) DURATION.—A license issued under this section shall be for a renewable—

''(i) 4-year term for a boxer; and

''(ii) 2-year term for any other person.

''(C) PROCEDURE.—The Commission may issue a license under this paragraph through boxing commissions or in a manner determined by the Commission.

''(b) LICENSING FEES.—

''(1) AUTHORITY.—The Commission may prescribe and charge reasonable fees for the licensing of persons under this title. The Commission may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Commission.

''(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Commission shall ensure that, to the maximum extent practicable—

''(A) club boxing is not adversely effected;

''(B) sanctioning organizations and promoters pay comparatively the largest portion of the fees; and

''(C) boxers pay as small a portion of the fees as is possible.

''(3) COLLECTION.—Fees established under this subsection may be collected through boxing commissions or by any other means determined appropriate by the Commission.

''SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

''(a) REQUIREMENT FOR REGISTRY.—The Commission shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

''(b) CONTENTS.—The information in the registry shall include the following:

''(1) BOXERS.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Commission shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

''(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Commission as performing a professional activity for professional boxing matches.

''SEC. 206. CONSULTATION REQUIREMENTS.

''The Commission shall consult with the Association of Boxing Commissions—

''(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

''(2) not less than once each year regarding matters relating to professional boxing.

''SEC. 207. MISCONDUCT.

''(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

''(1) AUTHORITY.—The Commission may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Commission finds that—

''(A) the license holder has violated any provision of this Act;

''(B) there are reasonable grounds for belief that a standard prescribed by the Commission under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

''(C) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest.

''(2) PERIOD OF SUSPENSION.—

''(A) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Commission except as provided in subparagraph (B).

''(B) SUSPENSION FOR MEDICAL REASONS.—In the case of a suspension or denial of the license of a boxer for medical reasons by the Commission, the Commission may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Commission shall prescribe the standards and procedures for accepting certifications under this subparagraph.

''(3) PERIOD OF REVOCATION.—In the case of a revocation of the license of a boxer, the revocation shall be for a period of not less than 1 year.

''(b) INVESTIGATIONS AND INJUNCTIONS.—

''(1) AUTHORITY.—The Commission may—

''(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this Act or any regulation prescribed under this Act;

''(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated;

''(C) in its discretion, publish information concerning any violations; and

''(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this Act, in the prescribing of regulations under this Act, or in securing information to serve as a basis for recommending legislation concerning the matters to which this Act relates.

''(2) POWERS.—

''(A) IN GENERAL.—For the purpose of any investigation under paragraph (1) or any other proceeding under this title—

''(i) any officer designated by the Commission may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records the Commission considers relevant or material to the inquiry; and

''(ii) the provisions of sections 6002 and 6004 of title 18, United States Code, shall apply.

''(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

''(3) ENFORCEMENT OF SUBPOENAS.—

''(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Commission to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

''(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that court.

''(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

''(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

''(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Commission, in obedience to the subpoena of the Commission, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

''(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

''(5) INJUNCTIVE RELIEF.—If the Commission determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Commission may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

''(6) MANDAMUS.—Upon application of the Commission, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Commission.

''(c) INTERVENTION IN CIVIL ACTIONS.—

''(1) IN GENERAL.—The Commission, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a district court of the United States.

''(2) AMICUS FILING.—The Commission may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

''(d) HEARINGS BY COMMISSION.—Hearings conducted by the Commission under this Act shall be public and may be held before any officer of the Commission. The Commission shall keep appropriate records of the hearings.

''SEC. 208. NONINTERFERENCE WITH BOXING COMMISSIONS.

''(a) NONINTERFERENCE.—Nothing in this Act prohibits any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this Act.

''(b) MINIMUM STANDARDS.—Nothing in this Act prohibits any boxing commission from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Commission under this Act.

''SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

''Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Commission, upon the request of the Commission, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

''SEC. 210. REPORTS.

''(a) ANNUAL REPORT.—The Commission shall submit a report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include—

''(1) a detailed discussion of the activities of the Commission for the year covered by the report; and

''(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions.

''(b) PUBLIC REPORT.—The Commission shall annually issue and publicize a report of the Commission on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Commission.

''(c) FIRST ANNUAL REPORT ON THE COMMISSION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

''SEC. 211. INITIAL IMPLEMENTATION.

''(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

''(b) EXPIRATION.—The exemption under subsection (a) with respect to a license issued by a boxing commission expires on the earlier of—

''(A) the date on which the license expires; or

''(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2004.

''SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated for the Commission for each fiscal year such sums as may be necessary for the Commission to perform its functions for that fiscal year.

''(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

''(3) shall remain available until expended.''.

(b) CONFORMING AMENDMENTS.—

(1) PBSA.—The Professional Boxing Safety Act of 1996, as amended by this Act, is further amended—

(A) by striking section 1 and inserting the following:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Professional Boxing Safety Act'.

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

''Section 1. Short title; table of contents.
''Sec. 2. Definitions.

''TITLE I—PROFESSIONAL BOXING SAFETY

''Sec. 101. Purposes.
''Sec. 102. Approval or sanction requirement.
''Sec. 103. Safety standards.
''Sec. 104. Registration.
''Sec. 105. Review.
''Sec. 106. Reporting.
''Sec. 107. Contract requirements.
''Sec. 108. Protection from coercive contracts.
''Sec. 109. Sanctioning organizations.
''Sec. 110. Required disclosures to State boxing commissions by sanctioning organizations.
''Sec. 111. Required disclosures by promoters and broadcasters.
''Sec. 112. Medical registry.
''Sec. 113. Confidentiality.
''Sec. 114. Judges and referees.
''Sec. 115. Conflicts of interest.
''Sec. 116. Enforcement.
''Sec. 117. Professional boxing matches conducted on Indian lands.
''Sec. 118. Relationship with State or Tribal law.

''TITLE II—UNITED STATES BOXING COMMISSION

''Sec. 201. Purpose.
''Sec. 202. United States Boxing Commission.
''Sec. 203. Functions.
''Sec. 204. Licensing and registration of boxing personnel.
''Sec. 205. National registry of boxing personnel.
''Sec. 206. Consultation requirements.
''Sec. 207. Misconduct.
''Sec. 208. Noninterference with boxing commissions
''Sec. 209. Assistance from other agencies.
''Sec. 210. Reports.
''Sec. 211. Initial implementation.
''Sec. 212. Authorization of appropriations.'';

(B) by inserting before section 3 the following:

''TITLE I—PROFESSIONAL BOXING SAFETY'';

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking subsection (a) of section 113, as redesignated, and inserting the following:

''(a) IN GENERAL.—Except to the extent required in a legal, administrative, or judicial proceeding, a boxing commission, an Attorney General, or the Commission may not disclose to the public any matter furnished by a promoter under section 111.'';

(E) by striking ''section 13'' in subsection (b) of section 113, as redesignated, and inserting ''section 111'';

(F) by striking ''9(b), 10, 11, 12, 13, 14, or 16,'' in paragraph (1) of section 116(b), as redesignated, and inserting ''107, 108, 109, 110, 111, or 114,'';

(G) by striking ''9(b), 10, 11, 12, 13, 14, or 16'' in paragraph (2) of section 116(b), as redesignated, and inserting ''107, 108, 109, 110, 111, or 114'';

(H) by striking ''section 17(a)'' in subsection (b)(3) of section 116, as redesignated, and inserting ''section 115(a)'';

(I) by striking ''section 10'' in subsection (e)(3) of section 116, as redesignated, and inserting ''section 108''; and

(J) by striking ''of this Act'' each place it appears in sections 101 through 120, as redesignated, and inserting ''of this title''.

(2) COMPENSATION OF MEMBERS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Members of the United States Boxing Commission.''.

SEC. 222. STUDY AND REPORT ON DEFINITION OF PROMOTER.

(a) STUDY.—The United States Boxing Commission shall conduct a study on how the term ''promoter'' should be defined for purposes of the Professional Boxing Safety Act.

(b) HEARINGS.—As part of that study, the Commission shall hold hearings and solicit testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with respect to the definition of that term as it is used in the Professional Boxing Safety Act.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under subsection (a). The report shall—

(1) set forth a proposed definition of the term ''promoter'' for purposes of the Professional Boxing Safety Act; and

(2) describe the findings, conclusions, and rationale of the Commission for the proposed definition, together with any recommendations of the Commission, based on the study.

SEC. 223. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect on the date of enactment of this Act.

(b) 1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.—Sections 205 through 212 of the Professional Boxing Safety Act of 1996, as added by section 221(a) of this title, shall take effect 1 year after the date of enactment of this Act.

SA 4075. Mr. MCCAIN (for Ms. COLLINS) proposed an amendment to the bill S. 2657, 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; as follows:

On page 3, line 10, insert ''or an employee organization defined under section 8901(8)'' after ''companies)''.

On page 8, line 9, insert ''area'' after ''delivery''.

On page 12, line 15, strike ''General Accounting Office'' and insert ''Government Accountability Office''.

On page 13, line 1, strike ''General Accounting Office'' and insert ''Government Accountability Office''.

On page 15, line 4, insert ''or an employee organization defined under section 8901(8)'' after ''companies)''.

On page 19, line 20, ''area'' after ''delivery''.

On page 23, line 25, strike ''General Accounting Office'' and insert ''Government Accountability Office''.

On page 24, line 11, strike ''General Accounting Office'' and insert ''Government Accountability Office''.

On page 25, line 18, strike all through page 26, line 19.

On page 26, line 20, strike ''**SEC. 7.**'' and insert ''**SEC. 6.**''.

On page 27, line 7, strike ''**SEC. 8.**'' and insert ''**SEC. 7.**''.

SA 4076. Mr. STEVENS proposed an amendment to the concurrent resolution H. Con. Res. 528, Official Title Not Available; as follows:

Strike Section 222 of Title II of Division H.

SA 4077. Mr. FRIST (for Ms. COLLINS (for herself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2635, to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of the United States and to address the homeland security needs of Federal, State, and local governments; as follows:

On page 9, line 10, after ''institution,'' insert ''Department of Energy national laboratory,''.

SA 4078. Mr. FRIST (for Mr. INOUYE) proposed an amendment to the bill S. 2488, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marine Debris Research Prevention and Reduction Act''.

SEC. 2. FINDINGS AND PURPOSES.

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

(1) The oceans, which comprise nearly three quarters of the Earth's surface, are an important source of food and provide a wealth of other natural products that are important to the economy of the United States and the world.

(2) Ocean and coastal areas are regions of remarkably high biological productivity, are of considerable importance for a variety of recreational and commercial activities, and provide a vital means of transportation.

(3) Ocean and coastal resources are limited and susceptible to change as a direct and indirect result of human activities, and such changes can impact the ability of the ocean to provide the benefits upon which the Nation depends.

(4) Marine debris, including plastics, derelict fishing gear, and a wide variety of other objects, has a harmful and persistent effect on marine flora and fauna and can have adverse impacts on human health.

(5) Marine debris is also a hazard to navigation, putting mariners and rescuers, their vessels, and consequently the marine environment at risk, and can cause economic loss due to entanglement of vessel systems.

(6) Modern plastic materials persist for decades in the marine environment and therefore pose the greatest potential for long-term damage to the marine environment.

(7) Insufficient knowledge and data on the source, movement, and effects of plastics and other marine debris in marine ecosystems has hampered efforts to develop effective approaches for addressing marine debris.

(8) Lack of resources, inadequate attention to this issue, and poor coordination at the Federal level has undermined the development and implementation of a Federal program to address marine debris, both domestically and internationally.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish programs within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with other Federal and non-Federal entities;

(2) to re-establish the Inter-agency Marine Debris Coordinating Committee to ensure a coordinated government response across Federal agencies;

(3) to develop a Federal information clearinghouse to enable researchers to study the sources, scale and impact of marine debris more efficiently; and

(4) to take appropriate action in the international community to prevent marine debris and reduce concentrations of existing debris on a global scale.

SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(b) PROGRAM COMPONENTS.—Through the Marine Debris Prevention and Removal Program, the Under Secretary for Oceans and Atmosphere (Under Secretary) shall carry out the following activities:

(1) MAPPING, IDENTIFICATION, IMPACT ASSESSMENT, REMOVAL, AND PREVENTION.—The Under Secretary shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources (particularly endangered or protected species) and navigation safety, including—

(A) the establishment of a process, building on existing information sources maintained by Federal agencies such as the Environmental Protection Agency and the Coast Guard, for cataloguing and maintaining an inventory of marine debris and its impacts found in the United States navigable waters and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within the United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within

the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Under Secretary shall improve efforts and actively seek to prevent and reduce fishing gear losses, as well as to reduce adverse impacts of such gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) development of voluntary or mandatory measures to reduce the loss and discard of fishing gear, and to aid its recovery, such as incentive programs, reporting loss and recovery of gear, observer programs, toll-free reporting hotlines, computer-based notification forms, and providing adequate and free disposal recepticals at ports.

(3) OUTREACH.—The Under Secretary shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, and other marine-dependent industries, on sources of marine debris, threats associated with marine debris and approaches to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety. Including outreach and education activities through public-private initiatives. The Under Secretary shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) GRANTS.—

(1) IN GENERAL.—The Under Secretary shall provide financial assistance, in the form of grants, through the Marine Debris Prevention and Removal Program for projects to accomplish the purposes of this Act.

(2) 50 PERCENT MATCHING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any project under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Under Secretary may waive all or part of the matching requirement under subparagraph (A) if the Under Secretary determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any natural resource management authority of a State, Federal or other government authority whose activities directly or indirectly affect research or regulation of marine debris, and any educational or nongovernmental institutions with demonstrated expertise in a field related to marine debris, are eligible to submit to the Under Secretary a marine debris proposal under the grant program.

(5) GRANT CRITERIA AND GUIDELINES.—Within 180 days after the date of enactment of this Act, the Under Secretary shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. Such priorities may include proposals that would reduce new sources of marine debris and provide additional benefits to the public, such as recycling of marine debris or use of biodegradable materials. In developing those guidelines, the Under Secretary shall consult with—

(A) the Interagency Marine Debris Committee;

(B) regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local governmental entities with marine debris experience;

(D) marine-dependent industries; and

(E) non-governmental organizations involved in marine debris research, prevention, or removal activities.

(6) PROJECT REVIEW AND APPROVAL.—The Under Secretary shall review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of the Act. Not later than 120 days after receiving a project proposal under this section, the Under Secretary shall—

(A) provide for external merit-based peer review of the proposal;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide written notification of that approval or disapproval to the person who submitted the proposal.

(7) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Under Secretary. Each report shall include all information required by the Under Secretary for evaluating the progress and success in meeting its stated goals, and impact on the marine debris problem.

SEC. 4. COAST GUARD PROGRAM.

The Commandant of the Coast Guard shall, in cooperation with the Under Secretary, undertake measures to reduce violations of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels. The measures shall include—

(1) the development of a strategy to improve monitoring and enforcement of current laws, as well as recommendations for statutory or regulatory changes to improve compliance and for the development of any appropriate amendments to MARPOL;

(2) regulations to address implementation gaps with respect to the requirement of MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that all United States ports and terminals maintain receptacles for disposing of plastics and other garbage, which may include measures to ensure that a sufficient quantity of such facilities exist at all such ports and terminals, requirements for logging the waste received, and for Coast Guard comparison of vessel and port log books to determine compliance;

(3) regulations to close record keeping gaps, which may include requiring fishing vessels under 400 gross tons entering United States ports to maintain records subject to Coast Guard inspection on the disposal of plastics and other garbage, that, at a minimum, include the time, date, type of garbage, quantity, and location of discharge by latitude and longitude or, if discharged on land, the name of the port where such material is offloaded for disposal;

(4) regulations to improve ship-board waste management, which may include expanding to smaller vessels existing requirements to maintain ship-board receptacles and maintain a ship-board waste management plan, taking into account potential economic impacts and technical feasibility;

(5) the development, through outreach to commercial vessel operators and recreational boaters, of a voluntary reporting program, along with the establishment of a central reporting location, for incidents of damage to vessels caused by marine debris, as well as observed violations of existing laws and regulations relating to disposal of plastics and other marine debris; and

(6) a voluntary program encouraging United States flag vessels to inform the Coast Guard of any ports in other countries that lack adequate port reception facilities for garbage.

SEC. 5. INTERAGENCY COORDINATION.

(a) INTERAGENCY MARINE DEBRIS COMMITTEE ESTABLISHED.—There is established an Interagency Committee on Marine Debris to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, State governments, Indian tribes, and other nations, as appropriate, and to foster cost-effective mechanisms to identify, determine sources of, assess, reduce, and prevent marine debris, and its adverse inpact on the marine environment and navigational safety, including the joint funding of research and mitigation and prevention strategies.

(b) MEMBERSHIP.—The Committee shall include a senior official from—

(1) the National Oceanic and Atmospheric Administration, who shall serve as the chairperson of the Committee;

(2) the United States Coast Guard;

(3) the Environmental Protection Agency;

(4) the United States Navy;

(5) the Maritime Administration of the Department of Transportation;

(6) the National Aeronautics and Space Administration;

(7) the U.S. Fish and Wildlife Service;

(8) the Department of State;

(9) the Marine Mammal Commission; and

(10) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

(c) MEETINGS.—The Committee shall meet at least twice a year to provide a public, interagency forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(d) DEFINITION.—The Committee shall develop and promulgate through regulation a definition of the term ''marine debris''.

(e) REPORTING.—

(1) INTERAGENCY REPORT ON MARINE DEBRIS IMPACTS AND STRATEGIES.—Not later than 12 months after the date of the enactment of this Act, the Committee, through the chairperson, and in cooperation with the coastal States, Indian tribes, local governments, and non-governmental organizations, shall complete and submit to the Congress a report identifying the source of marine debris, examining the ecological and economic impact of marine debris, alternatives for reducing, mitigating, preventing, and controlling the

harmful affects of marine debris, the social and economic costs and benefits of such alternatives, and recommendations regarding both domestic and international marine debris issues.

(2) CONTENTS.—The report submitted under paragraph (1) shall provide recommendations on—

(A) establishing priority areas for action to address leading problems relating to marine debris;

(B) developing an effective strategy and approaches to preventing, reducing, removing, and disposing of marine debris, including through private-public partnerships;

(C) providing appropriate infrastructure for effective implementation and enforcement of measures to prevent and remove marine debris, especially the discard and loss of fishing gear;

(D) establishing effective and coordinated education and outreach activities; and

(E) ensuring Federal cooperation with, and assistance to, the coastal States (as defined in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), Indian tribes, and local governments in the identification, determination of sources, prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(3) ANNUAL PROGRESS REPORTS.—Not later than 2 years after the date of the enactment of this Act, and every year thereafter, the Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purposes of this Act. The report shall include—

(A) the status of implementation of the recommendations of the Committee and analysis of their effectiveness;

(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3 of this Act, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of United States Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

(f) MONITORING.—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration and in cooperation with the Administrator of the Environmental Protection Agecny, shall utilize the marine debris data derived under this Act and title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

(1) the Committee in ensuring coordination of research, monitoring, education, and regulatory actions; and

(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) in ensuring compliance under section 2201 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1913).

(g) CONFORMING AMENDMENT.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is repealed.

SEC. 6. INTERNATIONAL COOPERATION.

The Interagency Marine Debris Committee shall develop a strategy and pursue in the International Maritime Organization and other appropriate international and regional forums, international action to reduce the incidence of marine debris, including—

(1) the inclusion of effective and enforceable marine debris prevention and removal measures in international and regional agreements, including fisheries agreements and maritime agreements;

(2) measures to strengthen and to improve compliance with MARPOL Annex V;

(3) national reporting and information requirements that will assist in improving information collection, identification and monitoring of marine debris;

(4) the establishment of an international database, consistent with the information clearinghouse established under section 7, that will provide current information on location, source, prevention, and removal of marine debris;

(5) the establishment of public-private partnerships and funding sources for pilot programs that will assist in implementation and compliance with marine debris requirements in international agreements and guidelines;

(6) the identification of possible amendments to and provisions in the International Maritime Organization Guidelines for the Implementation of Annex V of MARPOL for potential inclusion in Annex V; and

(7) when appropriate assist the responsible Federal agency in bilateral negotiations to effectively enforce marine debris prevention.

SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.

The Under Secretary, in coordination with the Committee, shall maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested parties to improve source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data. The clearinghouse shall include—

(1) standardized protocols to map locations of commercial fishing and aquaculture activities using Geographic Information System techniques;

(2) a world-wide database which describes fishing gear and equipment, and fishing practices, including information on gear types and specifications;

(3) guidance on the identification of types of fishing gear fragments and their sources developed in consultation with persons of relevant expertise; and

(4) the data on mapping and identification of marine debris to be developed pursuant to section 3(b)(1) of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(2) COMMITTEE.—The term ''Committee'' means the Interagency Marine Debris Committee established by section 5 of this Act.

(3) UNITED STATES EXCLUSIVE ECONOMIC ZONE.—The term ''United States exclusive economic zone'' means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as ''eastern special areas'' in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; ANNEX V; CONVENTION.—The terms ''MARPOL'', ''Annex 5'', and ''Convention'' have the meaning given those terms in paragraphs (3) and (4) of section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year 2005 through 2009

(1) to the Secretary of Commerce for the purpose of carrying out sections 3 and 7 of this Act, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out sections 4 and 6 of this Act, $5,000,000, of which no more than 10 percent may be used for administrative costs.

Amend the title so as to read: ''A Bill To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

SA 4079. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 529, Official Title Not Available; as follows:

On page 1, line 2, strike from ''that'' through the end of page 2, line 9 and insert in lieu thereof the following:

''When the House adjourns on Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns from Saturday, November 20, 2004, through Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday, December 7, 2004, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.''

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the approprite provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
England	Pound		740.00						740.00
Senator Thad Cochran:									
England	Pound		740.00						740.00
Senator Richard Shelby:									
England	Pound		555.00						555.00
Jim Morhard:									
England	Pound		740.00						740.00
Terry Sauvain:									
England	Pound		740.00						740.00
Sid Ashworth:									
England	Pound		555.00						555.00
Jennifer Chartrand:									
England	Pound		555.00						555.00
Mazie R. Mattson:									
England	Pound		740.00						740.00
Dona Pate:									
England	Pound		555.00						555.00
Lindsay Leonard:									
England	Pound		740.00						740.00
Kay Webber:									
England	Pound		740.00						740.00
Stewart Holmes:									
England	Pound		555.00						555.00
Charlie Houy:									
England	Pound		555.00						555.00
Kathy Casey:									
England	Pound		555.00						555.00
Dr. John Eisold:									
England	Pound		555.00						555.00
Tim Rieser:									
Kenya	Dollar		150.00				20.00		170.00
Rwanda	Dollar		101.00		20.00		395.00		516.00
Tanzania	Dollar		920.00		350.00		140.00		1,410.00
United States	Dollar				3,860.00				3,860
Stewart Holmes:									
Italy	Euros		604.00						604.00
Germany	Euros		480.00						480.00
United States	Dollar				3,708.60				3,708.60
Jessica Roberts:									
United States	Dollar				7,193.52				7,193.52
United Kingdom	Pound		729.00						729.00
Turkey	Dollar		1,380.00						1,380.00
Katherine Hennessey:									
United States	Dollar				7,193.52				7,193.52
United Kingdom	Pound		729.00						729.00
Turkey	Dollar		1,380.00						1,380.00
Katherine Eltrich:									
United States	Dollar				7,193.52				7,193.52
United Kingdom	Pound		729.00						729.00
Turkey	Dollar		1,380.00						1,380.00
Scott Gudes:									
Colombia	Dollar		992.00						992.00
Ecuador	Dollar		908.00						908.00
United States	Dollar				2,722.00				2,722.00
Paul L. Grove:									
Haiti	Dollar		215.00						215.00
United States	Dollar				798.50				798.50
Tim Rieser:									
Haiti	Dollar		390.00				35.00		425.00
United States	Dollar				798.00				798.00
Total			18,807.00		31,115.66		590.00		50,512.66

TED STEVENS,
Chairman, Committee on Appropriations, Sept. 22, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), AMENDED FROM 3RD QUARTER, COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sid Ashworth:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Jim Morhard:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Charlie Houy:									
China	Yuan		831.00						831.00
United States	Dollar				2,549.30				2,549.30
Betsy Schmid:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
DeLynn Henry:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), AMENDED FROM 3RD QUARTER, COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mimi Braniff:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Kay Webber:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Karina Waller:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Suzanne Palmer:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Jennifer Mies Lowe:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
George Lowe:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Marsha Lefkovits:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Richard Quick:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Joe Maupin:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Ted Stevens:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Thad Cochran:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Daniel Inouye:									
China	Yuan		831.00						831.00
United States	Dollar				2,549.30				2,549.30
Senator Pat Roberts:									
China	Yuan		831.00						831.00
United States	Dollar				2,523.00				2,523.00
Senator E. Benjamin Nelson:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Bill Frist:									
China	Yuan		1,008.00						1,008.00
Julia Hart:									
China	Yuan		1,108.00						1,108.00
United States	Dollar				3,316.80				3,316.80
Mark Esper:									
China	Yuan		1,048.00						1,048.00
Senator Ernest F. Hollings:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Robert Stevenson:									
China	Yuan		1,108.00						1,108.00
United States	Dollar				3,316.80				3,316.80
Senator Jeff Bingaman:									
China	Yuan		1,108.00						1,108.00
United States	Dollar		3,754.68						3,754.68
Total			63,031.88		18,009.88				81,041.76

TED STEVENS,
Chairman, Committee on Appropriations, Nov. 15, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pat Roberts:									
United Kingdom	Pound		555.00						555.00
Judith A. Ansley:									
United Kingdom	Pound		455.00						455.00
Joseph T. Sixeas:									
United States	Dollar				2,888.80				2,888.80
United Kingdom	Pound		663.00				107.00		770.00
Italy	Euro		317.00						317.00
Maren R. Leed:									
United States	Dollar				4,007.57				4,007.57
United Kingdom	Pound		544.00				370.00		914.00
Italy	Euro		209.00				150.00		359.00
Senator Jeff Sessions:									
United States	Dollar				7,665.96				7,665.96
Qatar	Dollar						7.00		7.00
Pakistan	Rupee		516.00						516.00
United States	Dollar						60.00		60.00
Senator Joseph I. Lieberman:									
United States	Dollar				6,954.07				6,954.07
Qatar	Dollar		689.71						689.71
Israel	Dollar		200.00						200.00
Frederick M. Downey:									
United States	Dollar				6,954.07				6,954.07
Qatar	Dollar		692.71						692.71
Israel	Dollar		203.00						203.00
Senator Wayne Allard:									
France	Euro		884.68						884.68
United Kingdom	Pound		1,758.00						1,758.00
Senator John Cornyn:									
France	Euro		718.38						718.38
United Kingdom	Pound		1,339.30						1,339.30
L. David Cherington:									
France	Euro		884.68						884.68
United Kingdom	Pound		696.00						696.00
Donald R. Stewart:									
France	Euro		884.68						884.68
United Kingdom	Pound		743.00						743.00
Jayson Roehl:									
France	Euro		884.68						884.68
United Kingdom	Pound		673.00						673.00
Gregory T. Kiley:									
United States	Dollar				5,405.22				5,405.22
Germany	Dollar		221.00						221.00
Romania	Lei		179.00						179.00
Bulgaria	Lev		178.40						178.40
Turkey	Dollar		104.00						104.00
Italy	Euro		272.00						272.00
Michael J. McCord:									
United States	Dollar				5,571.82				5,571.82
Germany	Dollar		145.00						145.00
Romania	Lei		50.00						50.00
Bulgaria	Lev		163.00						163.00
Turkey	Dollar		62.00						62.00
Italy	Euro		220.00						220.00
Lucian L. Niemeyer:									
United States	Dollar				5,571.82				5,571.82
Germany	Dollar		156.00						156.00
Romania	Lei		121.00						121.00
Bulgaria	Lev		211.00						211.00
Turkey	Dollar		76.00						76.00
Italy	Euro		158.00						158.00
Belgium	Euro		18.00						18.00
Senator John McCain:									
Ukraine	Dollar		631.25						631.25
Latvia	Dollar		167.20				86.75		253.95
Estonia	Dollar		130.45				46.00		176.45
Norway	Dollar		442.00				52.20		494.20
Senator Susan Collins:									
Ukraine	Dollar		596.53						596.53
Latvia	Dollar		167.20						167.20
Estonia	Dollar		86.15				7.72		93.87
Norway	Dollar		442.00				48.21		490.21
Senator Lindsey Graham:									
Ukraine	Dollar		597.58				63.00		660.58
Latvia	Dollar		167.20						167.20
Estonia	Dollar		130.45						130.45
Norway	Dollar		442.00						442.00
Richard H. Fontaine, Jr.:									
Ukraine	Dollar		563.91						563.91
Latvia	Dollar		167.20						167.20
Estonia	Dollar		130.45						130.45
Norway	Dollar		442.00				9.10		451.10
Hillary Rodham Clinton:									
United States	Dollar				2,684.31				2,684.31
Estonia	Dollar		130.45						130.45
Norway	Dollar		411.00				174.62		585.62
Andrew J. Shapiro:									
United States	Dollar				2,875.31				2,875.31
Estonia	Dollar		130.45						130.45
Norway	Dollar		442.00				104.62		546.62
Huma M. Abedin:									
United States	Dollar				2,690.31				2,690.31
Estonia	Dollar		130.45						130.45
Norway	Dollar		411.00						411.00
Total			23,804.14		53,269.26		1,286.22		78,359.62

JOHN WARNER,
Chairman, Committee on Armed Services, Nov. 4, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Sessions:									
Belgium	Euro		264.96				234.11		499.08
Germany	Euro		57.00				181.86		238.86
Italy	Euro		108.00				197.96		305.96
Spain	Euro		83.03				217.23		300.26
Arch Galloway II:									
Belgium	Euro		264.96				179.00		443.96
Germany	Euro		57.00				126.75		183.75
Italy	Euro		108.00				142.85		250.85
Spain	Euro		83.03				162.12		245.15
Senator Saxby Chambliss:									
Belgium	Euro		611.00						611.00
Germany	Euro		250.00						250.00
Italy	Euro		367.00						367.00
Spain	Euro		282.00						282.00
Teresa McLean Ervin:									
Belgium	Euro		611.00						611.00
Germany	Euro		250.00						250.00
Italy	Euro		367.00						367.00
Spain	Euro		282.00						282.00
Senator James M. Inhofe:									
Burundi	Dollar		120.00				140.00		260.00
Germany	Dollar		222.50				70.00		292.50
United States	Dollar				3,176.17				3,176.17
Mark Powers:									
Burundi	Dollar		81.00				140.00		221.00
Germany	Dollar		222.50				70.00		292.50
United States	Dollar				4,141.00				4,141.00
Senator John Warner:									
France	Euro		402.00						402.00
Cord Sterling:									
France	Euro		386.00						386.00
Senator Daniel Akaka:									
France	Euro		513.00						513.00
Senator Mark Pryor:									
France	Euro		141.79						141.79
Senator Bill Nelson:									
Colombia	Dollar						33.00		33.00
United States	Dollar				2,076.54				2,076.54
Dan Shapiro:									
Colombia	Dollar						106.00		106.00
Venezuela	Dollar		315.90				250.10		566.00
United States	Dollar				2,548.54				2,548.54
Total			6,450.67		11,942.25		2,250.98		20,643.90

JOHN WARNER,
Chairman, Committee on Armed Services, July 19, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
Guatemala	Dollar		630.00						630.00
Honduras	Dollar		440.00						440.00
El Salvador	Dollar		123.00						123.00
Nicaragua	Dollar		440.00						440.00
Costa Rica	Dollar		440.00						440.00
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		928.00						928.00
Bhutan	Ngultrum		292.00		718.00				1,010.00
India	Rupee		221.00						221.00
Germany	Euro		358.00						358.00
Kathleen L. Casey:									
Guatemala	Dollar		530.00						530.00
Honduras	Dollar		530.00						530.00
El Salvador	Dollar		106.00						106.00
Nicaragua	Dollar		106.00						106.00
Costa Rica	Dollar		420.00						420.00
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		928.00						928.00
Bhutan	Ngultrum		292.00		718.00				1,010.00
India	Rupee		221.00						221.00
Germany	Euro		358.00						358.00
Randel L. Zeller:									
Nigeria	Naira		240.00						240.00
Angola	Dollar		184.00						184.00
Cameroon	Dollar		303.00						303.00
United States	Dollar				5,399.76				5,399.76
Anne Caldwell:									
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		696.00						696.00
United States	Dollar				3,970.80				3,970.80
Victoria Cox:									
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		696.00						696.00
United States	Dollar				3,970.80				3,970.00
Gregory J. Dean:									
China	Renminbi		1,308.00		914.00				2,222.00
United States	Dollar				6,306.50				6,306.50
Total			18,047.00		21,997.86				40,044.86

RICHARD SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs, Sept. 24, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Don Nickels:									
United States	Dollar				8,721.96				8,721.96
Qatar	Dollar		628.00						628.00
Pakistan	Dollar		585.00						585.00
Roy Phillips:									
United States	Dollar				8,721.96				8,721.96
Qatar	Dollar		629.00						629.00
Pakistan	Dollar		568.00						568.00
Roy Phillips:									
United States	Dollar				4,962.14				4,962.14
Germany	Euro		156.00		55.00				211.00
Romania	Lei		121.00						121.00
Bulgaria	Lev		205.00						205.00
Turkey	Dollar		73.00						73.00
Italy	Dollar		85.00		55.00		85.00		225.00
Total			3,050.00		22,516.06		85.00		25,651.06

DON NICKLES,
Chairman, Committee on Budget, Sept. 22, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Amy Fraenkel:									
Italy	Euro		2,513,00		25.36				2,538.36
United States	Dollar				900.77				900.77
Senator Frank R. Lautenberg:									
Thailand	Baht		928.00						928.00
Bhutan	Ngultrum		292.00		718.00				1,010.00
India	Rupee		221.00						221.00
Germany	Euro		358.00						358.00
United States	Dollar				3,555.55				3,555.55
Floyd DesChamps:									
Estonia	Kroon		149.23						149.23
Norway	Kroner		599.87						599.87
United States	Dollar				611.37				611.37
Total			5,061.10		5,811.05				10,872.15

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Sept. 30, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Peter B. Lyons:									
Netherlands	Euro		119.04						119.04
France	Euro		1,162.42		32.20				1,194.62
United States	Dollar				6,664.24				6,664.24
Total			1,281.46		6,696.44				7,977.90

PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources, Sept. 20, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James M. Jeffords:									
United States	Dollar				5,133.00				5,133.00
Finland	Euro		443.00						443.00
Iceland	Krona		1,116.00						1,116.00
Margaret Wetherald:									
United States	Dollar				5,133.00				5,133.00
Finland	Euro		537.00						537.00
Iceland	Krona		1,005.00						1,005.00
Emma Munger:									
United States	Dollar				5,133.00				5,133.00
Finland	Euro		475.00						475.00
Iceland	Krona		1,007.00						1,007.00
Geoffrey Brown:									
United States	Dollar				5,133.00				5,133.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Finland	Euro		518.00						518.00
Iceland	Krona		1,226.00						1,226.00
Delegation Expenses:									
							314.68		314.68
Total			6,327.00		20,532.00		314.68		27,173.68

JAMES INHOFE,
Chairman, Committee on Environment and Public Works, July 27, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Anya Landau:									
Cuba	Dollar		1,050.00						1,050.00
Anya Landau:									
United States	Dollar				777.19				777.19
David Johanson:									
Switzerland	Franc		645.72						645.72
Total			1,695.72		777.19				2,472.91

CHARLES GRASSLEY,
Chairman, Committee on Finance, Oct. 14, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Brownback:									
Israel	Shekel		449.54						449.54
United States	Dollar				4,976.32				4,976.32
Senator Chuck Hagel:									
Germany	Euro		358.00						358.00
Angola	Kwanza		184.00						184.00
Cameroon	Franc		303.00						303.00
Nigeria	Naira		240.00						240.00
United States	Dollar				5,399.76				5,399.76
Senator Richard Lugar:									
Turkey	Lira		652.00						652.00
Switzerland	Franc		2,270.00						2,270.00
United States	Dollar				5,405.00				5,405.00
Senator Richard Lugar:									
Germany	Euro		443.00						443.00
United Kingdom	Pound		1,907.00						1,907.00
United States	Dollar				6,011.76				6,011.76
Senator Richard Lugar:									
Italy	Euro		2,250.00						2,250.00
Albania	Lek		305.00						305.00
Bosnia and Herzegovina	Marka		192.00						192.00
Georgia	Lari		640.00						640.00
Ukraine	Hryvnia		359.00						359.00
Iceland	Krona		804.00						804.00
United States	Dollar				5,028.94				5,028.94
Senator Bill Nelson:									
United States	Dollar				1,592.40				1,592.40
Senator John Sununu:									
Ukraine	Hryvnia		597.00						597.00
Latvia	Lat		195.00						195.00
Estonia	Kroon		130.45						130.45
Norway	Kroner		485.43						485.43
Jonah Blank:									
United Arab Emirates	Dirham		770.00						770.00
Afghanistan	Afghani		230.00						230.00
United States	Dollar				7,371.26				7,371.26
James Branegan:									
Philippines	Peso		1,304.00						1,304.00
United States	Dollar				4,893.50				4,893.50
Heather Flynn:									
Togo	Franc		864.00						864.00
Benin	Franc		703.00						703.00
Niger	Franc		763.00						763.00
United States	Dollar				5,258.12				5,258.12
Jessica Fugate:									
Croatia	Kuna		303.41						303.41
Macedonia	Denar		257.86						257.86
United States	Dollar				5,474.25				5,474.25
Michael Haltzel:									
Serbia and Montenegro	Dinar		524.00						524.00
United States	Dollar				5,786.34				5,786.34
Michael Haltzel:									
Bosnia and Herzegovina	Marka		430.00						430.00
Serbia and Montenegro	Dinar		575.00						575.00
Macedonia	Denar		472.00						472.00
Austria	Euro		873.00						873.00
United States	Dollar				5,645.64				5,645.64
Frank Jannuzi:									
China	Yuan		2,022.00						2,022.00
South Korea	Won		640.00						640.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				5,795.80				5,795.80
Frank Jannuzi:									
Vietnam	Dong		965.00						965.00
Thailand	Baht		696.00				127.18		823.18
United States	Dollar				4,739.08				4,739.08
Chris Ann Keehner:									
South Africa	Rand		711.00						711.00
Malawi	Kwacha		1,140.00						1,140.00
United States	Dollar				6,870.71				6,870.71
Kenneth Myers, Jr.:									
Germany	Euro		443.00						443.00
United Kingdom	Pound		1,907.00						1,907.00
United States	Dollar				6,011.76				6,011.76
Kenneth Myers, Jr.:									
Turkey	Lira		652.00						652.00
Switzerland	Franc		908.00						908.00
United States	Dollar				5,583.17				5,583.17
Kenneth Myers, Jr.:									
Italy	Euro		450.00						450.00
Albania	Lek		305.00						305.00
Bosnia and Herzegovina	Marka		192.00						192.00
Georgia	Lari		640.00						640.00
Ukraine	Hryvnia		359.00						359.00
Iceland	Krona		804.00						804.00
United States	Dollar				5,573.89				5,573.89
Kenneth Myers, III:									
Turkey	Lira		800.000						800.00
Switzerland	Franc		800.00						800.00
United States	Dollar				5,563.17				5,563.17
Kenneth Myers, III:									
Germany	Euro		443.00						443.00
United Kingdom	Pound		1,907.00						1,907.00
United States	Dollar				6,011.76				6,011.76
Kenneth Myers, III:									
Italy	Euro		450.00						450.00
Albania	Lek		305.00						305.00
Bosnia and Herzegovina	Marka		192.00						192.00
Georgia	Lari		640.00						640.00
Ukraine	Hryvnia		359.00						359.00
Iceland	Krona		804.00						804.00
United States	Dollar				5,773.89				5,773.89
Andrew Parasiliti:									
Nigeria	Naira		240.00						240.00
Angola	Kwanza		184.00						184.00
Cameroon	Franc		303.00						303.00
Germany	Euro		358.00						358.00
United States	Dollar				5,399.76				5,399.76
Michael Phelan:									
United Arab Emirates	Dirham		516.00						516.00
Afghanistan	Afghani		230.00						230.00
United States	Dollar				7,535.58				7,535.58
Nilmini Rubin:									
Lesotho	Loti		1,408.46						1,408.46
South Africa	Rand		517.41						517.41
United States	Dollar				7,949.79				7,949.79
Jennifer Simon:									
Colombia	Peso		1,100.00						1,100.00
Guatemala	Quetzal		1,128.00						1,128.00
United States	Dollar				2,295.50				2,295.50
Nancy Stetson:									
Kuwait	Dinar		788.00						788.00
Iraq	Dinar		61.00						61.00
United States	Dollar				6,221.00				6,221.00
Puneet Talwar:									
Italy	Euro		840.00						840.00
United States	Dollar				5,622.50				5,622.50
Puneet Talwar:									
Israel	Shekel		1,034.00						1,034.00
Lebanon	Pound		199.00						199.00
Jordan	Dinar		238.00						238.00
Kuwait	Dinar		1,182.00						1,182.00
Iraq	Dinar		61.00						61.00
United States	Dollar				5,507.42				5,507.42
Sean Woo:									
Israel	Shekel		507.86						507.86
United States	Dollar				2,843.32				2,843.32
Total			51,263.42		158,141.39		127.18		209,531.99

RICHARD LUGAR,
Chairman, Committee on Foreign Relations, Oct. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Raymond Shepherd III:									
United States	Dollar				4,565.07				4,565.07
Hong Kong	Dollar		1,516.00						1,516.00
Singapore	Dollar		931.34						931.34
Jason Foster:									
United States	Dollar				4,565.07				4,565.07
Hong Kong	Dollar		1,516.00						1,516.00
Singapore:	Dollar		896.80						896.80
Jason Yanussi:									
United States	Dollar				4,565.07				4,565.07
Hong Kong	Dollar		1,359.34				159.68		1,519.02
Singapore	Dollar		848.13		55.98		32.13		936.24

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert Roach:									
United States	Dollar				1,685.43				1,685.43
England	Pound		513.28						513.28
Total			7,580.89		15,436.62		191.81		23,209.32

SUSAN COLLINS,
Chairman, Committee on Governmental Affairs, Oct. 7, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Weston J. Coulam:									
United States	Dollar				6,852.00				6,852.00
China	Dollar		1,102.00		369.00		264.00		1,735.00
Total			1,102.00		7,221.00		264.00		8,587.00

OLYMPIA SNOWE,
Chairman, Committee on Small Business and Entrepreneurship, Sept. 8, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Graham:									
France	Euro		685.00						685.00
United Kingdom	Pound		1,004.00						1,004.00
Edward Pusey:									
France	Euro		741.00						741.00
United Kingdom	Pound		904.00						904.00
Total			3,334.00						3,334.00

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Nov. 4, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Nancy St. Louis:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Brandon Milhorn:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Adam Harris:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Randall Bookout:									
	Dollar		1,004.00						1,004.00
	Dollar				5,734.41				5,734.41
Lorenzo Goco:									
	Dollar		1,004.00						1,004.00
	Dollar				5,734.41				5,734.41
Donald Mitchell:									
	Dollar		348.00						348.00
	Dollar				5,700.64				5,700.64
Total			6,271.00		34,428.94				40,699.94

PAT ROBERTS,
Chairman, Committee on Intelligence, July 26, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Edwards:									
	Dollar				5,607.46				5,607.46
Donald Mitchell:									
	Dollar		348.00						348.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
	Dollar				5,700.64				5,700.64
Derek Chollet:									
	Dollar		365.00						365.00
	Dollar				5,700.64				5,700.64
Total			713.00		17,008.74				17,721.74

PAT ROBERTS,
Chairman, Committee on Intelligence, Aug. 10, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lindsey Fair:									
	Dollar		1,091.00						1,091.00
	Dollar				11,907.87				11,907.87
Randy Bookout:									
	Dollar		650.00						650.00
	Dollar				8,124.00				8,124.00
Donald Stone:									
	Dollar		646.00						646.00
	Dollar				8,124.00				8,124.00
Nancy St. Louis:									
	Dollar		2,346.00						2,346.00
	Dollar				6,845.23				6,845.23
Brandon Milhorn:									
	Dollar		2,346.00						2,346.00
	Dollar				6,845.23				6,845.23
Christopher Jackson:									
	Dollar		1,896.00						1,896.00
	Dollar				6,845.23				6,845.23
Thomas Auld:									
	Dollar		1,499.00						1,499.00
	Dollar				7,913.00				7,913.00
Elizabeth O'Reilly:									
	Dollar		1,559.00						1,559.00
	Dollar				7,913.00				7,913.00
Rebecca Farley:									
	Dollar		1,764.00						1,764.00
	Dollar				7,913.00				7,913.00
Nancy St. Louis:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Brandon Milhorn:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Adam Harris:									
	Dollar		1,305.00						1,305.00
	Dollar				5,753.16				5,753.16
Randy Bookout:									
	Dollar		1,004.00						1,004.00
	Dollar				5,734.41				5,734.41
Lorenzo Goco:									
	Dollar		1,004.00						1,004.40
	Dollar				5,734.41				5,734.41
Total			19,720.00		101,158.86				120,878.86

PAT ROBERTS,
Chairman, Committee on Intelligence, Sept. 30, 2004.

CONSOLIDATED REPORT OF EXPENDITURE FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM JAN. 1 TO MAR. 31 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rep. Pete Stark:									
Great Britain	Pound				2,109.52				2,109.52
Total					2,109.52				2,109.52

ROBERT F. BENNETT,
Chairman, Joint Economic Committee, Sept. 23, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steven D. Marshall:									
United States	Dollar				6,491.50				6,491.50
China	Yuan		2,849.00						2,849.00
Keith Hand:									
United States	Dollar				6,865.00				6,865.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
China	Yuan		3,681.00						3,681.00
Carl Minzner:									
United States	Dollar				6,457.50				6,457.50
China	Yuan		3,014.00						3,014.00
David Dorman:									
United States	Dollar				6,491.00				6,491.00
China	Yuan		2,849.00						2,849.00
Total			12,393,00		26,305.00				38,698.00

JAMES LEACH,
Congressional-Executive Commission on China, Oct. 27, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mark Milosch:									
United States	Dollar				6,905.88				6,905.88
China	Yuan		2,092.00						2,092.00
Hong Kong	Dollar		1,516.00						1,516.00
Total			3,608.00		6,905.88				10,513.88

JAMES LEACH,
Congressional-Executive Commission on China, Oct. 27, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL FRIST FOR TRAVEL FROM JUNE 25 TO JUNE 28, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Frist:									
United States	Dollar				7,493.80				7,493.80
Turkey	Dollar		958.00						958.00
Mark Esper:									
United States	Dollar				7,316.80				7,316.80
Turkey	Dollar		852.59						852.59
Amy Call:									
United States	Dollar				7,316.80				7,316.80
Turkey	Dollar		887.00						887.00
Delegation Expenses:*									
Turkey	Dollar						1,520.12		1,520.12
Total			2,697.59		22,127.40		1,520.12		26,345.11

* Delegation expenses include payments and reimbursements to the Department of State, and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

BILL FRIST,
Majority Leader, Sept. 15, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL FRIST FOR TRAVEL FROM JUNE 3 TO JUNE 6, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Frist:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
Senator Robert Bennett:									
Kuwait	Dollar		394.00						394.00
France	Euro		575.00						575.00
Senator John Ensign:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
William Pickle:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
Mark Esper:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
Bob Stevenson:									
Kuwait	Dollar		394.00						394.00
France	Euro		746.00						746.00
George Tolbert:									
Kuwait	Dollar		364.00						364.00
France	Euro		600.00						600.00
Sally Walsh:									
Kuwait	Dollar		394.00						394.00
France	Euro		700.00						700.00
Delegation Expenses:*									
Kuwait	Dollar						2,938.44		2,938.44
Iraq	Dollar						684.15		684.15
France	Euro						40,584.40		40,584.40

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL FRIST FOR TRAVEL FROM JUNE 3 TO JUNE 6, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			8,143.00				44,206.99		52,349.99

*Delegation expenses include payments and reimbursements to the Department of State, and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

BILL FRIST,
Majority Leader.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), DEMOCRATIC LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Randy Massanelli:									
Jordan	Dinar		208.20						208.20
Germany	Dollar		43.95						43.95
Total			252.15						252.15

TOM DASCHLE,
Democratic Leader, Sept. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), DEMOCRATIC LEADER FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Kuwait	Dollar		344.00						344.00
Senator Joe Biden:									
Kuwait	Dollar		344.00						344.00
Senator Lindsey Graham:									
Kuwait	Dollar		344.00						344.00
Denis McDonough:									
Kuwait	Dollar		344.00						344.00
Rich Verma:									
Kuwait	Dollar		344.00						344.00
Alex Jarvis:									
Kuwait	Dollar		344.00						344.00
Anthony Blinken:									
Kuwait	Dollar		344.00						344.00
Puneet Talwar:									
Kuwait	Dollar		344.00						344.00
Delegation Expenses:*									
Kuwait	Dollar						2,726.94		2,726.94
Total			2,752.00				2,726.94		5,478.94

*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384 and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Sept. 23, 2004.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 48, 49, 411, 488, 509, 594, 595, 611, 612, 613, 614, 615, 617, 623, 628, 629, 630, 631, 632, 633, 634, 635, 636, 640, 641, 642, 643, 658, 687, 689, 694, 696, 699, 701, 702, 703, 707, 708, 709, 710, 712, 725, 727, 729, 788, 795, 797, 800, 801, 802, 805, 806, 807, 808, 813, 814, 816, 817, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 914, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, all nominations on the Secretary's desk.

Further, the following nominations be discharged from the respective committees and the Senate proceed to their consideration en bloc: HELP Committee, the list of nominations at the desk, and that they be considered en bloc and PN2045, and 1508; the Agriculture Committee, Michael Harrison (PN1969), Frederick Hatfield (PN2014), Sharon Brown-Hruska (PN1837), Michael Dunn (2030), Dallas Tonsager (PN2029); from the Judiciary Committee, PN2050.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. I don't suppose I should ask you to restate the unanimous consent request.

Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Daniel Pearson, of Minnesota, to be 2 Member of the United States International Trade Commission for the term expiring June 16, 2011.

Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission for a term expiring December 16, 2009.

DEPARTMENT OF JUSTICE

Deborah Ann Spagnoli, of California, to be a Commissioner of the United States Parole Commission for a term of six years.

DEPARTMENT OF COMMERCE

Michael D. Gallagher, of Washington, to be Assistant Secretary of Commerce for Communications and Information.

THE JUDICIARY

Alan G. Lance, Sr., of Idaho, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

EXPORT-IMPORT BANK OF THE UNITED STATES

Linda Mysliwy Conlin, of New Jersey, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2007.

DEPARTMENT OF THE INTERIOR

Sue Ellen Wooldridge, of Virginia, to be Solicitor of the Department of the Interior, vice William Gerry Myers III, resigned.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Gary Lee Visscher, of Maryland, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

ENVIRONMENTAL PROTECTION AGENCY

Stephen L. Johnson, of Maryland, to be Deputy Administrator of the Environmental Protection Agency.

Charles Johnson, of Utah, to be chief Financial Officer, Environmental Protection Agency.

Ann R. Klee, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Benjamin Grumbles, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF COMMERCE

Theodore William Kassinger, of Maryland, to be Deputy Secretary of Commerce.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Jack Edwin McGregor, of Connecticut, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

DEPARTMENT OF LABOR

Lisa Kruska, of Virginia, to be an Assistant Secretary of Labor, vice Kathleen M. Harrington.

DEPARTMENT OF EDUCATION

Edward R. McPherson, of Texas, to be Under Secretary of Education.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

David Wesley Fleming, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2007.

Jay Phillip Greene, of Florida, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2005.

John Richard Petrocik, of Missouri, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring September 27, 2008.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Patrick Lloyd McCrory, of North Carolina, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009.

DEPARTMENT OF EDUCATION

Robert C. Granger, of New Jersey, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

Gerald Lee, of Pennsylvania, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

THE JUDICIARY

Curtis V. Gomez, of Virgin Islands, to be Judge for the District Court of the Virgin Islands for a term of ten years.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Cathy M. MacFarlane, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Dennis C. Shea, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Romolo A. Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development.

AFRICAN DEVELOPMENT FOUNDATION

Constance Berry Newman, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2009.

SELECTIVE SERVICE SYSTEM

William A. Chatfield, of Texas, to be Director of Selective Service.

DEPARTMENT OF DEFENSE

Mark Falcoff, of California, to be a Member of the National Security Education Board for a term of four years.

DEPARTMENT OF COMMERCE

Jonathan W. Dudas, of Virginia, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

DEPARTMENT OF VETERANS AFFAIRS

Pamela M. Iovino, of the District of Columbia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

EXECUTIVE OFFICE OF THE PRESIDENT

David Safavian, of Michigan, to be Administrator for Federal Procurement Policy.

UNITED STATES POSTAL SERVICE

James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for the term expiring December 8, 2010.

POSTAL RATE COMMISSION

Dawn A. Tisdale, of Texas, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2006.

FEDERAL ENERGY REGULATORY COMMISSION

Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2009. (Reappointment)

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

James R. Kunder, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

AFRICAN DEVELOPMENT FOUNDATION

Edward Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring November 13, 2007.

EXECUTIVE OFFICE OF THE PRESIDENT

Adam Marc Lindemann, of New York, to be Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2005.

DEPARTMENT OF STATE

Ann M. Corkery, of Virginia, to be an Alternate Representative of the United States of America to the Fifty-eighth Session of the General Assembly of the United Nations.

Walid Maalouf, of Virginia, to be an Alternate Representative of the United States of America to the Fifty-eighth Session of the General Assembly of the United Nations.

John D. Rood, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

Charles Graves Untermeyer, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Aldona Wos, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

UNITED STATES PAROLE COMMISSION

Isaac Fulwood, Jr., of the District of Columbia, to be a Commissioner of the United States Parole Commission for a term of six years.

DEPARTMENT OF THE TREASURY

Timothy S. Bitsberger, of Massachusetts, to be an Assistant Secretary of the Treasury.

Paul Jones, of Colorado, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2008.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Carin M. Barth, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development.

MERIT SYSTEMS PROTECTION BOARD

Neil McPhie, of Virginia, to be Chairman of the Merit Systems Protection Board.

Barbara J. Sapin, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2007.

DEPARTMENT OF COMMERCE

Benjamin H. Wu, of Maryland, to be Assistant Secretary of Commerce for Technology Policy.

Brett T. Palmer, of New York, to be an Assistant Secretary of Commerce.

Albert A. Frink, Jr., of California, to be an Assistant Secretary of Commerce.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Scott Kevin Walker, of Wisconsin, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

SOCIAL SECURITY ADMINISTRATION

Patrick P. O'Carroll, Jr., of Maryland, to be Inspector General, Social Security Administration.

MERIT SYSTEMS PROTECTION BOARD

Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2009.

FEDERAL TRADE COMMISSION

Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years from September 26, 2003.

Deborah P. Majoras, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2001.

NATIONAL COUNCIL ON THE ARTS

Gerard Schwarz, of Washington, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2006.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

James Ballinger, of Arizona, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

Terrence Alan Teachout, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

DEPARTMENT OF EDUCATION

Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

Elizabeth Ann Bryan, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

James R. Davis, of Mississippi, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

Eric Alan Hanushek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

Caroline M. Hoxby, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

Roberto Ibarra Lopez, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

Richard James Milgram, of New Mexico, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

Joseph K. Torgesen, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

Herbert John Walberg, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Herman Belz, of Maryland, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Tamar Jacoby, of New Jersey, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Craig Haffner, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

James Davidson Hunter, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Harvey Klehr, of Georgia, to be a member of the National Council on the Humanities for a term expiring January 26, 2010.

Thomas K. Lindsay, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Iris Love, of Vermont, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Thomas Mallon, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Ricardo Quinones, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

Beverly Allen, of Georgia, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

Donald Leslie, of Wisconsin, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2006.

Amy Owen, of Utah, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2005.

Renee Swartz, of New Jersey, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2007.

Kim Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2004.

NATIONAL INSTITUTE FOR LITERACY

William T. Hiller, of Ohio, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

Richard Kenneth Wagner, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

Juan R. Olivarez, of Michigan, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

UNITED STATES INSTITUTE OF PEACE

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007.

NATIONAL COUNCIL ON DISABILITY

Young Woo Kang, of Indiana, to be a Member of the National Council On Disability for a term expiring September 17, 2006.

DEPARTMENT OF EDUCATION

John H. Hager, of Virginia, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

NATIONAL SCIENCE FOUNDATION

Arden Bement, Jr., of Indiana, to be Director of the National Science Foundation for a term of six years.

THE JUDICIARY

Raymond L. Finch, of the Virgin Islands, to be Judge for the District Court of the Virgin Islands for a term of ten years. (Reappointment)

Micaela Alvarez, of Texas, to be United States District Judge for the Southern District of Texas.

Keith Starrett, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

DEPARTMENT OF JUSTICE

Lisa Godbey Wood, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Richard B. Roper III, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

UNITED STATES SENTENCING COMMISSION

Ricardo H. Hinojosa, of Texas, to be Chair of the United States Sentencing Commission.

Michael O'Neill, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009. (Reappointment)

Ruben Castillo, of Illinois, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009. (Reappointment)

Christopher A. Boyko, of Ohio, to be United States District Judge for the Northern District of Ohio.

UNITED STATES SENTENCING COMMISSION

Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 2005.

DEPARTMENT OF VETERANS AFFAIRS

Robert Allen Pittman, of Florida, to be an Assistant Secretary of Veterans Affairs (Human Resources and Administration).

THE JUDICIARY

Robert N. Davis, of Florida, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

Mary J. Schoelen, of the District of Columbia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

William A. Moorman, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

DEPARTMENT OF STATE

Catherine Todd Bailey, of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Douglas Menarchik, of Texas, to be an Assistant Administrator of the United States Agency for International Development.

INTER-AMERICAN DEVELOPMENT BANK

Hector E. Morales, of Texas, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Lloyd O. Pierson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

AFRICAN DEVELOPMENT FOUNDATION

Lloyd O. Pierson, an Assistant Administrator of the United States Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2009.

DEPARTMENT OF JUSTICE

Robert Cramer Balfe III, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

DEPARTMENT OF THE TREASURY

J. Russell George, of Virginia, to be Inspector General for Tax Administration, Department of the Treasury.

NATIONAL COUNCIL ON DISABILITY

Milton Aponte, of Florida, to be a Member of the National Council On Disability for a term expiring September 17, 2006.

NATIONAL SCIENCE FOUNDATION

Dan Arvizu, of Colorado, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Steven C. Beering, of Indiana, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Gerald Wayne Clough, of Georgia, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Kelvin Kay Droegemeier, of Oklahoma, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Louis J. Lanzerotti, of New Jersey, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Alan I. Leshner, of Maryland, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Jon C. Strauss, of California, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Kathryn D. Sullivan, of Ohio, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

DEPARTMENT OT THE TREASURY

Anna Escobedo Cabral, of Virginia, to be Treasurer of the United States.

THE JUDICIARY

Gregory E. Jackson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

DEPARTMENT OF DEFENSE

Vinicio E. Madrigal, of Louisiana, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2009. (Reappointment)

Otis Webb Brawley, Jr., of Georgia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2009. (Reappointment)

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

R. Bruce Matthews, of New Mexico, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2005.

Joseph F. Bader, of the District of Columbia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2007.

DEPARTMENT OF EDUCATION

Eugene Hickok, of Pennsylvania, to be Deputy Secretary of Education.

Edward R. McPherson, of Texas, to be Under Deputy Secretary of Education.

NATIONAL COUNCIL ON DISABILITY

Robert Davila, of New York, to be a Member of the National Council On Disability for a term expiring September 17, 2006. (Reappointment)

Linda Wetters, of Ohio, to be a Member of the National Council On Disability for a term expiring September 17, 2006. (Reappointment)

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Julia L. Wu, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring February 4, 2008, vice James Roger Angel, term expired.

Laurie Stenberg Nichols, of South Dakota, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring March 3, 2010, vice Donna Dearman Smith, term expired.

DEPARTMENT OF EDUCATION

Carol D'Amico, of Indiana, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

DEPARTMENT OF STATE

Yousif B. Ghafari, of Michigan, to be an Alternate Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

Jane Dee Hull, of Arizona, to be a Representative of the United States of America to the Fifty-ninth Sessions of the General Assembly of the United Nations.

Susan L. Moore, of Texas, to be an Alternate Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

CORPORATION FOR PUBLIC BROADCASTING

Gay Hart Gaines, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010.

Claudia Puig, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

Ernest J. Wilson, III, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010. (Reappointment)

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

James S. Simpson, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

FEDERAL MARITIME COMMISSION

Harold Jennings Creel, Jr., of South Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2009.

FEDERAL COMMUNICATIONS COMMISSION

Jonathan Steven Adelstein, of South Dakota, to be a Member of the Federal Communications Commission for a term expiring June 30, 2008.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Guy K. Dahlbeck, 5199

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Brent E. Winget, 6522

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. Robert L. Van Antwerp, Jr., 8468

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Jason K. Kamiya, 9579

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Keith L. Thurgood, 0611

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 Michael J. Lally, III, 3775

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN2001 COAST GUARD nominations (154) beginning Gerard P. Achenbach, and ending Elizabeth D. Young, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2004.

PN2051 COAST GUARD nominations (257) beginning Joel A. Amundson, and ending Joseph M. Zwack, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2004.

FOREIGN SERVICE

PN2019 FOREIGN SERVICE nominations (148) beginning Ralph L. Boyce Jr., and ending Robert J. Whigham, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 2004.

PN2020 FOREIGN SERVICE nominations (206) beginning Robert M. Clay, and ending Marcia L. Norman, which nominations were received by the Senate and appeared in the Congressional Record of October 7, 2004.

Patricia Cushwa, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years.

Sharon Tucker, of Georgia, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

Kathleen Martinez, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2006.

William A. Schambra, of Virginia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring September 14, 2006.

Donna N. Williams, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2006.

Leona White Hat, of South Dakota, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2008.

Henry Lozano, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2008.

Mimi Mager, of the District of Columbia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 27, 2007.

Jacob Joseph Lew, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2008.

Mark D. Gearan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Services for a term of one year.

Dorothy A. Johnson, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2007.

Cynthia Boich, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2007.

Edward Alton Parrish, of Virginia, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring April 17, 2008.

Raquel Egusquiza, of Michigan, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2005.

Michael J. Harrison, of Connecticut, to be an Assistant Secretary of Agriculture.

Fredrick William Hatfield, of California, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2008.

Sharon Brown-Hruska, of Virginia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2009.

Michael V. Dunn, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring June 19, 2006, vice James E. Newsome, resigned.

Dallas Tonsager, of South Dakota, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring May 21, 2010.

NOMINATION OF KEITH STARRETT

Mr. LEAHY. Mr. President, the nomination of Keith Starrett of Mississippi is strongly supported by Senator LOTT and Senator COCHRAN. Judge Starrett is nominated to a vacancy on the Southern District of Mississippi created when the President ignored the Senate's withholding of its consent and unilaterally appointed Judge Charles Pickering to the Fifth Circuit.

With this nomination, President Bush forfeited another opportunity to

be a uniter and to draw the country together. I understand the concerns of so many African-American organizations and lawyers who continue to ask the President to begin to achieve some diversity on that bench by the nomination and appointment of a qualified African American. The Magnolia Bar Association, a primarily African-American bar association in Mississippi, has written the Senate in connection with this nomination. The Magnolia Bar's president, Crystal Wise Martin, expresses the group's strong opposition to proceeding with Judge Starrett's nomination, not only because it is so late in the session but also because, as she writes: ''[I]t fails to remedy the egregious problem concerning the lack of diversity on Mississippi's federal bench.'' She points out that Mississippi has the highest percentage of African Americans of any State, but that Mississippi has had only one African-American Federal judge. She explains that the Magnolia Bar and the National Bar Association have both made direct requests to the President that he appoint an African American to fill this important vacancy.

During the consideration of Charles Pickering's nomination, reports were that Republicans were indicating that they would advocate for an African-American nominee if some African Americans would support Judge Pickering's elevation to a higher court. The administration has chosen not to fulfill those hopes by proceeding with a qualified African-American nominee for this important judgeship.

This President has shown where his priorities are by nominating more lawyers affiliated with the Federalist Society than qualified African Americans, Hispanics and Asian Americans combined.

I ask unanimous consent that a copy of the letter from the Magnolia Bar Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAGNOLIA BAR ASSOCIATION, INC.,
Jackson, MS, September 6, 2004.

Senator ORRIN HATCH,
Chair, Senate Judiciary Committee, Senate Dirksen Office Building, Washington, DC.

Senator PATRICK LEAHY,
Ranking Member, Senate Judiciary Committee, Senate Dirksen Office Building, Washington, DC.

DEAR SENATORS HATCH AND LEAHY: Founded in 1955 by less than ten black lawyers with several purposes including advancing the science of jurisprudence and promoting reform in the law, the Magnolia Bar Association can now boast that it has more than four hundred African-American and white members who practice across Mississippi and many states throughout America. Our members are engaged in every form of practice just as other members of the Mississippi Bar. We are prosecutors, criminal defense attorneys, plaintiff attorneys, defense attorneys, and we are administrative lawyers. Our ranks also include attorneys who specialize in domestic relations and commercial litigation. Simply put, we do it all. We practice in state, federal and tribal courts. The Magnolia Bar is represented on every court in Mississippi except the Fifth Circuit Court of Appeals. We are proud of what we do, and we are committed to our profession. I, Crystal Wise Martin, am indeed honored to serve as its president.

We are strongly opposed to the Senate's consideration of the nomination of Keith Starrett to the Southern District of Mississippi so late in this Administration's term. We understand there is a longstanding and well-respected practice of the Senate Judiciary Committee to withhold consideration of controversial federal judicial nominations by the fall of an election year. We see no reason to deviate from this tradition in the case of the Starrett nomination.

The Starrett nomination is particularly untimely. President Bush only nominated Keith Starrett on July 7 of this year, to fill the seat vacated by Charles Pickering upon his recess appointment to the Fifth Circuit. Consideration of the nomination at this point in an election year is simply inappropriate. In Mississippi, absentee voting in the Presidential election begins on September 20. Holding a hearing on the nomination just twelve days before Mississippians can cast their Presidential votes is simply too late. Moreover, it is doubtful that Mr. Starrett could even proceed through the Judiciary Committee before the voting begins.

We know of no federal judicial nomination in recent history in which the nomination was made so late in a Presidential term and yet still received a hearing before the Judiciary Committee in the fall of an election year. In the last presidential election year of 2000, there were no hearings whatsoever held in the fall. For example, when President Clinton nominated Ricardo Morado to the district court in Texas on May 11, 2000, Senators objected to the nomination as occurring too late in an election year. Mr. Morado never received a hearing.

Additionally, we strongly object to the Starrett nomination because it fails to remedy the egregious problem concerning the lack of diversity on Mississippi's federal bench. Mississippi has the highest percentage of African Americans of any state in the country. Yet Mississippi has had only one African American federal judge—ever. Judge Henry Wingate, who holds this distinction, was appointed nearly twenty years ago.

Earlier this year, the Magnolia Bar Association made a direct plea to President Bush to rectify this lack of diversity. In a letter dated February 2, we urge President Bush to appoint an African American to the Southern District of Mississippi. We wrote that the ''appointment of an African American . . . is long overdue.'' We set forth the history of the lack of appointments, and concluded there was a ''compelling case'' for the appointment. We noted the existence of hundreds of African American lawyers in the State and the representation we have been able to achieve on our State and local bench. We offered to consult with the President about the numerous candidates who exist for a federal court position. The National Bar Association, the nationwide organization of African American lawyers, made a similar request this year, directed specifically to the vacancy in the Southern District of Mississippi.

Moreover many members of the African American community in Mississippi were led to believe that an African American would receive the nomination to fill Judge Charles Pickering's district court seat. Judge Pickering's supporters, including but not limited to his son, Representative Chip Pickering, were express about their intentions to bring about the nomination of an African American should Judge Pickering be elevated. These representations are well documented in the press. The Washington Post reported that ''Chip Pickering confirmed that he has also been telling prominent African Americans in the state that if his father is promoted to the appeals court, his replacement on the district court will likely be an [African American nominee].'' (''Judge's Fate Could Turn on 1994 Case,'' Washington Post, May 27, 1993). The Clarion-Ledger from Jackson, Mississippi referred to Congressman Pickering's representations in an article entitled, ''Pickering Vows to Push Diversity.'' (Clarion-Ledger, May 28, 2003).

President Bush has refused to heed our requests. Despite having four opportunities, he has not nominated one African American to the federal bench in Mississippi. During his term, President Bush has nominated three persons to the federal district court in Mississippi and one person from Mississippi to the Fifth Circuit Court of Appeals. None are African American. We deplore this Administration's record on diversity in judicial appointments in Mississippi.

The failure to diversify Mississippi's federal bench is just one example of the lack of diversity in this Administration's judicial appointments generally. In four years, President Bush has appointed only 11 African Americans to district court seats anywhere in the country. These 11 appointments constitute only less than seven percent of the total of 162 district court appointments. This stands in stark contrast to the record of President Bush's predecessor. In his first term, President Clinton appointed 33 African Americans out of 170 district court appointments, or almost twenty percent. In his second term, President Clinton appointed 20 African Americans out of 137 district court appointments, or fourteen percent. The Magnolia Bar Association strongly believes we should be advancing in African American representation on the federal bench, not retreating.

For all of these reasons, we urge you to refrain from considering the Starett nomination at this late date. Thank you.

Respectfully yours,
CRYSTAL WISE MARTIN,
President.

NOMINATION OF DAVID NAHMIAS

Mr. LEAHY. Mr. President, after months of stonewalling by this administration, we are still trying to uncover the truth about the abuse of prisoners in U.S. custody overseas. I have long said that somewhere in the upper reaches of the executive branch a process was set in motion that rolled forward until it produced this scandal. To date, senior administration officials have avoided any accountability for these atrocities.

The Senate is today including the nomination of David Nahmias to serve as a U.S. Attorney in Georgia in a final package of confirmations for this Congress. Mr. Nahmias has held senior positions at the Department of Justice where he worked on the legal underpinnings of the President's war against terror. The overbroad assertions of executive power have been rejected by the Supreme Court and other Federal courts.

In speeches, he has unequivocally supported the President's authority as Commander in Chief to designate and detain suspected terrorists, including

American citizens, as enemy combatants without judicial review by an article III court. In the case of the American citizens detained as enemy combatants, argued that there was no reason for judicial review of their detentions because they, ''received the absolute ultimate executive branch process,'' because the ''President of the United States, operating as the Commander-in-Chief, personally reviewed their cases, and personally designated them as enemy combatants.'' The Supreme Court strongly rejected this position this year and held that the detainees in Guantanamo Bay and U.S. citizens being held as enemy combatants have the right to challenge their detentions in Federal courts.

I asked Mr. Nahmias questions about his views on the rights of enemy combatants, his role in investigating, approving, or otherwise reviewing rules, procedures, or guidelines involving the interrogation of individuals held in the custody of the U.S. Government or an agent of the U.S. Government, and his role in the prosecution of domestic terrorism cases. His original answers were largely non-responsive. I sent him further questions to clarify his record and views.

I remain troubled by Mr. Nahmias' answers and uncertain of the extent of his involvement in these matters. During Mr. Nahmias' tenure at the Department, it produced a legal memorandum redefining torture to allow all sorts of brutal treatment—such as mock burial alive, simulated drowning, electrocution, tearing off of fingernails, and other such barbaric treatment—so long as the pain caused is not akin to organ failure, and concluding that, as commander in chief in the war against terror, the President and federal agents are not constrained by anti-terror laws. Since they came to light, these positions have been abandoned by the White House counsel and the administration.

The American people deserve public officials who are fair and will uphold the law. No one is entitled to a high-ranking presidential appointment entrusted with making decisions that affect the lives and futures of millions of Americans. Our freedoms are the fruit of too much sacrifice to give appointments to people who will not fairly interpret the Constitution, enforce Federal protections, and follow previous court rulings on which Americans rely in their daily lives. If there were a separate vote on this nomination, I would oppose it.

NOMINATION OF CHRISTOPHER BOYKO

Mr. President, today the Senate voted on the nomination of Judge Christopher Boyko for a lifetime seat on the U.S. District Court for the Northern District of Ohio. He is strongly supported by both of his home-State Senators.

The Senate has already confirmed four of President Bush's district court nominees and two of his circuit court nominees from Ohio, including some who were problematic. Deborah Cook, now on the Sixth Circuit, is a staunch Republican and Federalist Society member who was one of the Ohio Supreme Court's most prolific and activist dissenters in favor of corporate interests. She was promoted by the Senators from Ohio and was confirmed last year. Another Sixth Circuit confirmation, Jeffrey Sutton, is an active Federalist Society member and one of the most controversial of President Bush's nominees confirmed. Prior to his confirmation to a lifetime appointment on the Nation's second highest court, Judge Sutton sought out opportunities to attack Federal civil rights laws and limit Congress' ability to protect individual rights. He received enough ''negative'' votes for a potential filibuster, but he was not blocked on the floor. The Senate also confirmed four Ohio district court nominees for President Bush, many of whom were active members of the Republican party in Ohio and whose records were somewhat troubling.

We moved forward with those nominations even though two of President Clinton's nominees to Ohio, Kent Markus and Steve Bell, were blocked by Republicans. Neither received a hearing or a vote. Mr. Markus was nominated to the Sixth Circuit in February 2000, but was told it was just too late. Steven Bell was nominated in August 1999 to the district court in Ohio and waited for more than a year without receiving a hearing. The double standards that the Republican majority has adopted obviously depend upon the occupant of the White House.

In 1996, when a Democratic President was seeking re-election, the Republican-controlled Senate held only one hearing to consider one district court nominee after the August recess, and then never allowed that nominee to have a Committee or Senate vote. Indeed, that nominee, Judge Ann Aiken of Oregon, was obstructed so severely by the Republican majority that she was not confirmed to her position until nearly a year and a half later.

In September 2000, when the vacancy rate on the Federal courts was around 7 percent, Republicans refused to proceed with hearings on nominees so late in the presidential election year. After the August recess work on judicial nominations came to a halt. Although there were over 30 nominees pending, after July 25, 2000, no more judicial nominees were scheduled for hearings or considered by the committee. This year, with the vacancy rate at around 3 percent, less than half what it was in 2000, we expedited consideration of nominees by a Republican President.

In both 1996 and 2000, not a single individual nominated after July 21 was confirmed to the Federal courts—even for seats that were already vacant. When Kent Markus of Ohio was nominated in February 2000 to the Sixth Circuit, he was told by Republicans that it was just too late. Judge Boyko was nominated on July 22, 2004 to fill a district court seat that will not even be vacant until December 31, 2004.

That said, I note that since 1996, Judge Boyko has served on the Court of Common Pleas for Cuyahoga County. Unlike many of this President's nominees, Judge Boyko has a reputation for fairness. He is being confirmed today for a future vacancy. I congratulate him and his family on his confirmation.

NOMINATION OF KEITH STARRETT

Mr LOTT. Mr. President, I am delighted that the Senate has approved Judge Keith Starrett's nomination today to be a U.S. District Court Judge for the Southern District of Mississippi. I was pleased when the President nominated Judge Starrett to be a U.S. District Court Judge because he is one of the most experienced and respected trial court judges in the Mississippi State court system. I know that his lovely wife Barbara and his entire family are very proud of Judge Starrett as he marks this important milestone in his career and prepares to serve our state and nation in this new role.

Judge Starrett is a bright light in the Mississippi legal community. He holds an undergraduate degree from Mississippi State University and a J.D. degree from the University of Mississippi School of Law. Additionally, as a sitting trial court judge he has completed a number of courses at the National Judicial College which have added to the knowledge base which he will bring to the federal bench.

Judge Starrett engaged in the general practice of law for 17 years in Pike County and also served as an Assistant District Attorney, gaining broad experience in the law that such practice areas provide. He was appointed to a vacant State circuit court judgeship in 1992, and he was elected to continue in this position in 1994, 1998, and 2002. During his 12 years on the bench, Judge Starrett has earned a strong reputation as a fair and outstanding trial judge presiding over both civil and criminal cases.

One of Judge Starrett's most important accomplishments in his judicial career is the leadership he provided in establishing the first felony level drug court in Mississippi in his State judicial district. This court was used as a model for the creation of other drug courts in the State. Judge Starrett's expertise and involvement in this area has been a key driving force as Mississippi works to implement a drug court system for the entire State, and he has written and spoken extensively on this topic. These special courts are better able to address the issues of justice and rehabilitation for those charged with crimes involving drugs, and I commend Judge Starrett for the groundbreaking work he has done in this area.

Judge Starrett has also found time to serve his community and profession in many other ways. He helped to found

Mission Pike County, a racial and denominational reconciliation organization and Southwest Mississippi Child Protection, a child advocacy group in Lincoln and Pike Counties. He is a leader in his church and the legal community in Mississippi, and he has been recognized with awards such as the 2003 Judicial Excellence Award given by the Mississippi Bar Association.

It is no surprise that the American Bar Association's Standing Committee on the Federal Judiciary has unanimously found Judge Keith Starrett to be Well-Qualified to serve as a U.S. District Court Judge. The vacant seat which Judge Starrett has been confirmed to fill has been designated a judicial emergency, and I am pleased that the Senate has acted to prevent justice from being delayed any further for the parties whose cases are pending in the Southern District of Mississippi. I congratulate Judge Starrett on his confirmation, and I look forward to his serving as a federal judge for many years to come.

Mr. LEAHY. Mr. President, during the past 4 years, the Senate has confirmed more than 200 of President Bush's choices for the only lifetime jobs in our system of government. Including the judicial nominees scheduled to be confirmed today, Democrats and Republicans in the Senate have confirmed 204 circuit, district and trade court nominees in the past four years. That is more Federal judges than were confirmed for President Reagan during his first term, more than in President George H.W. Bush's presidency, and more than in either of President Clinton's terms. The first 100 were confirmed in the 17 months of Democratic Senate leadership. In the other 31 months, Republicans have led the Senate to confirm another 104.

With this historic number of confirmations, we are at the lowest number of vacant seats on the Federal courts in 16 years. There are more Federal judges serving today than at any time in American history. With today's confirmations, there will be only 26 empty seats on the Federal courts. If retirements and confirmations were to continue at the current pace, President Bush would be poised to name more than 400 lifetime judges on the Federal bench, which contains 879 judges. That would mean he would have appointed more judges than any President in our history.

Democrats in the Senate have taken as bipartisan approach as possible while still preserving the Senate's independence to act as a check against extreme or unfit appointments to these lifetime positions. Some of the nominees this President nominated to appellate courts have been among the most controversial ever proposed. A handful of them, those with records that do not demonstrate that they will be fair judges who will fully enforce our constitutional rights have been denied the consent of the Senate. The Federal courts should not become the arm of the Republican Party or the Democratic Party. To preserve the independence of the judiciary, the Senate has served its time honored roll as a check on the presidential appointment power. The Constitution says advice and consent, not rubber stamp.

Ours has been a good record of both cooperation and independence by the Senate. Even with this historic level of bipartisan cooperation and despite the high number of divisive nominees this President has sent to the Senate, partisans continue to claim that nothing short of 100 percent approval is acceptable. No President has seen 100 percent of his judicial nominees approved. Not even George Washington got all of his appointments confirmed. Shortly after the Judiciary Committee was created, nominees of President James Madison were defeated in the Committee. More recently Republicans defeated the nominations of more than 60 of President Clinton's judicial nominees and more than 200 of his executive branch nominees in Senate committees.

President Bush refused to address the unfair way President Clinton's nominees were treated by Senate Republicans through anonymous holds and other tactics. Objection from even one Republican Senator was allowed to defeat President Clinton's judicial nominees. Republicans worked to preserve vacancies in the Clinton years, especially vacancies on the circuit courts like the 6th Circuit and the D.C. Circuit. Two dozen circuit court nominees and more than 40 district court nominees were denied Senate votes of any kind. They are now exploiting their success. Unfortunately, President Bush decided in his first term to seek confrontation and politicization of the process rather than consensus. There were opportunities to find common ground that were squandered.

During the Clinton administration, leading Republicans claimed that as many as 100 vacant seats in the Federal courts did not create any crisis. Some even boasted that they allowed too many judges to be confirmed. There was a dramatic shift when a Republican moved into the White House when suddenly any number of vacancies became a crisis to them. The rules and Senate procedures Republicans used to stall President Clinton's nominees were no longer acceptable to them and were jettisoned with a Republican in the White House.

When I became chairman of the Judiciary Committee and the Committee was reorganized back in July 2001, we inherited 110 vacant seats in the federal courts. During my 17 months as chairman, we evaluated the President's nominees, and confirmed 100 judges. That represented a tremendous effort in that short time, especially amid the dramatic crises facing our nation in the wake of the September I 1 attacks and the anthrax attacks directed at Senate Democrats. Rather than adopt Republican methods by which they blocked scores of mainstream nominees by President Clinton, we made the process fairer and more open while preserving the longstanding rules and precedents of the Judiciary Committee and the Senate.

Over 17 months, we proceeded to give hearings to 103 of President Bush's judicial nominees, some of whom proved to be quite controversial and divisive, even though the President had promised the American people that he was a ''uniter not a divider.'' The President's controversial nominations divided us by politicizing the federal courts. They included nominees with records of extremism and in an effort to stack the courts unfairly.

In this the 108th Congress, Republicans assumed Senate leadership and proceeded to bend, break or reinterpret the rules and precedents in their efforts to ram through the Senate every nominee and turn the Senate into a rubber stamp for lifetime appointments.

It was in the face of these partisan actions that the only option left to the Senate to protect the independence and fairness of the courts was extended debate. Democrats acted sparingly to withhold consent from the most extreme choices of this President and the most egregious partisan acts of Senate Republicans. I will not restate the specific concerns with each of those nominees. Those reasons are stated publicly in the RECORD during debate by many Senators. Unlike Republican obstruction which took place most often in secret and without open and honest debate, when we oppose a nominee we said so and explained why in public.

Republicans have held hearings for 120 judicial nominees in the past 2 years, including hearings for 33 circuit court nominees. Republicans doubled the pace they were willing to maintain from 1997 through 2000 when it took them 4 years to hold hearings for 33 of President Clinton's circuit court nominees, despite the fact that President Bush's nominees have been much more controversial.

Two weeks after the session began in January 2003, Republicans insisted on holding a hearing for three controversial circuit court nominees on a single panel. This hearing was noticed in less than the time required under the rules and in spite of a bipartisan written agreement that had been adhered to since 1987 that only one controversial judicial nominee would be scheduled at a time. Over the objections of several Members of the Judiciary Committee, that hearing proceeded on the nominations of Jeffrey Sutton, Deborah Cook, and John Roberts to three circuit courts that had been held hostage by Republicans during President Clinton's second term.

The day after that unprecedented hearing in violation of the Thurmond-Biden guideline, Republicans forced a vote on the nomination of Miguel Estrada, even though he had failed to answer the questions of many members of the Committee and the White House

had refused to honor past precedent for information sharing. Republican partisans then took to calling Senate Democrats anti-Hispanic. Such false claims marked a new low. Despite the efforts of some, like Senator BENNETT of Utah, to reach a compromise to allow the Senate to review the work of the nominee, the White House refused. No reasonable employer would hire someone who refused to answer basic questions or provide needed documents. Republicans demanded the Senate proceed with regard to a lifetime appointment without such information.

Republicans began to list judicial nominees for committee consideration even before they had answered the written questions of Senators, let alone answered them responsively. With President Clinton, Republicans refused to list a judicial nominee for a committee vote for weeks and often months and sometimes forever. Suddenly, with a Republican in the White House, Republicans decided that Senators did not really need their questions answered before scheduling a vote. Republican effort to limit the time and quality of the review of these lifetime appointees was disappointing and wrong. Editorial cartoons noted that the Committee was becoming nothing more than a rubber stamp at a conveyor belt factory for judges. This approach undermined advice and consent.

In the final Judiciary Committee meeting in February, Republicans broke another longstanding rule of the Judiciary Committee, rule IV, which had been respected for nearly a quarter of a century. Rule IV requires a member of the minority of the Judiciary Committee to consent to end debate in order to force a vote on a nomination or any other matter. Without consent, Republicans called debate at an end. The claim that the Senate Parliamentarian approved this reading of the rule was undercut when the Parliamentarian advised that his position was that he had no authority to enforce committee rules. The committee that should respect the rule of law chose instead to do away with any rule or precedent Republicans found inconvenient.

In March, Republicans began claiming that filibusters of nominees were ''unprecedented'' and argued that it was unconstitutional to deny a nominee a vote. These claims were another reversal from the party that had blocked votes on more than 60 of President Clinton's judicial nominees and more than 200 of his executive nominees through a variety of procedures. Republicans not only ignored their own recent history in which they unsuccessfully filibustered the nominations of Judge Rosemary Barkett and Judge H. Lee Sarokin, and successfully filibustered the nominations of Dr. Henry Foster and Sam Brown, they sought to rewrite the history of the filibuster of the nomination of Abe Fortas to be Chief Justice of the Supreme Court. The Senate's cloture rule is a departure not from majority rule but from the unanimous consent that has been essential to the character of the Senate. Now that they are in the majority, Republicans have no use for rules protecting the minority or for the historic role of the Senate.

Republicans turned their practices upside down when the very people who insisted on recognition of their prerogatives as home State Senators with regard to judicial nominees chose with a Republican in the White House to disregard the lack of home State Senator support and proceed with hearings and Committee consideration of the nominations of Carolyn Kuhl, Janice Rogers Brown, Henry Saad, Richard Griffin, David McKeague, and Susan Nielson.

Requiring home State Senator support can and often has led to consultation and cooperation between the Senate and the White House. This White House and Senate Republicans who insisted on it without exception during the Clinton years, dispensed with it when it became inconvenient to their goal of stacking the courts and moving them sharply in one direction. To do so, they proceeded in the face of opposition from both home State Senators.

When Republicans were being asked to considering the, nominations of a Democratic President, one negative blue slip from just one home State Senator was enough to doom a nomination and prevent a hearing on that nomination. This included all nominations, including those to the circuit courts. How else to explain the failure to schedule hearings for such qualified and noncontroversial nominees such as James Beatty and James Wynn, African American nominees from North Carolina? What other reason could plausibly be found for what happened to the nominations of Enrique Moreno and Jorge Rangel—both Latino, both Harvard graduates, both highly rated by the ABA, both denied hearings in the Judiciary Committee? Republicans used to excuse their refusal to proceed on President Clinton's nominees because of the absence of home State Senator support. Indeed, in those days, so long as a Republican Senator had an objection, it appeared to be honored, whether that was Senator Helms objecting to an African American nominee from Virginia or Senator Gorton objecting to nominees from California.

Republicans continued to hold hearings on controversial judicial nominees following the party nominating conventions and with the Presidential election just weeks away. Whether they acknowledge it as the Thurmond Rule, or something else, it is a well established practice that in Presidential election years there comes a point when judicial confirmation hearings are not continued without agreement. Republicans used to insist that absent the consent of the minority, we await the results of the election and the inauguration of a new President before moving additional nominees. Republicans lived by this precedent when they ran this Committee in 1996 and later, in 2000. In 1996, when a Democratic President was seeking re-election, the Republican-controlled committee held only one hearing to consider one district court nominee after the August recess, and then never allowed that nominee to have a committee vote. In 2000, the Republican-controlled committee followed the Thurmond Rule to the letter. After the August recess work on judicial nominations came to a halt. Although there were over 30 nominees pending, after July 25 2000, no more judicial nominees were scheduled for hearings or considered by the committee.

Republicans have gone so far as to reverse their practice with President Clinton by holding hearings for nominees for positions in the courts that would not even become vacancies until after the Presidential election. As with everything else, there appears to be one rule for Democrats and no rules or precedents for Republicans.

Little did we know that through most of the time, Republican staff had been stealing Democratic computer files and using them for partisan purposes. When The Wall Street Journal and The Washington Times wrote that they were furnished internal documents, the investigation began. The Capitol Police seized the Judiciary computer hard drives and servers and the Senate Sergeant at Arms began an internal investigation. Staff of the Republican leader and the chairman of the Judiciary Committee resigned and confirmed their involvement. This year, the Sergeant at Arms reported that thousands of files had been stolen over a period of years and found that this partisan spying and stealing may have violated numerous criminal laws. It is a shameful chapter in the history of the Judiciary Committee and the Senate. A Federal criminal investigation is ongoing into this matter, and I look forward to the Justice Department completing that inquiry in the coming year.

The President took the unprecedented steps of renominating controversial nominees on whom the Judiciary Committee had withheld consent and then recess appointed controversial nominees on whom the Senate had withheld its consent. This President has utilized the constitutional recess appointment power as an end-run around the Constitution's advice and consent requirement. This undermines the Senate's institutional role as a check on unfit or unfair nominees to our independent court system. Just as Senate Republicans viewed longstanding rules and precedent as inconvenient, the President treated the Constitution's requirement of Senate consent as an inconvenience and an opportunity for partisan political gain. The President went so far as to try to steal a circuit seat from one State and over objection to award it to another by

nominating a Virginian to fill a traditional Maryland vacancy on the Fourth Circuit.

Most regrettably as well, the White House fanned the flames and refused to tamp down hateful and unfounded claims that amounted to religious McCarthyism. Senate Democrats refused to be cowed by Republican's false charges that they were anti-Hispanic, anti-African American, anti-Christian, antiwoman or antiman. We were none of these things. The fact of the matter is that Democrats were antijudicial zealot, period. Democrats stood up for the independence of the Federal courts and fair, nonpartisan judges for the American people.

These past 2 years we have witnessed the Senate Judiciary Committee and the Senate break with longstanding precedent and Senate tradition. With the Senate and the White House under control of the same political party we have witnessed rule after rule broken or misinterpreted away. The Framer's of the Constitution warned against the dangers of such factionalism, undermining the structural separations of power. Republicans in the Senate have failed to defend the institutional role of this branch as a check on the President in the area of nominations. It weakens our Constitution to have such collusion and forfeits the strength and protections of our separation of powers that was designed to protect all Americans.

From the way that home State Senators are treated to the way hearings are scheduled, to the way the Committee questionnaire was altered unilaterally, to the way our Committee's historic protection of the minority by Committee Rule IV has been violated, to the theft of computer files, Republicans destroyed virtually every rule, precedent, custom and courtesy that used to help create and enforce cooperation and civility in the confirmation process. Their approach to our rules and precedents follows their own partisan version of the golden rule, which is that ''he with the gold, rules.'' It is as if those currently in power believe that they are above our constitutional checks and balances and that they can reinterpret any treaty, law, rule, custom or practice they do not like or they find inconvenient.

Some of these interpretations are so contrary to well-established understandings that it is like we have fallen down the rabbit hole in Alice in Wonderland. I am reminded that the imperious Queen of Hearts rebuked Alice for having insufficient imagination to believe contradictory things, saying that some days she had believed six impossible things before breakfast. I have seen things I thought impossible on the Judiciary Committee and in the Senate, things impossible to square with the past practices of Committee and the history of the Senate.

Under our Constitution, the Senate has a vital role in the selection of our judiciary. The brilliant design of our Founders established that the first two branches of government would work together to equip the third branch to serve as an independent arbiter of justice. The structure of our Constitution and our own Senate rules of self-governance are designed to protect minority rights and to encourage consensus. Despite the razor-thin margin of recent elections, Republicans are not acting in a measured way but in complete disregard for the traditions of bipartisanship that are the hallmark of the Senate. Theirs is a practice of might makes right is wrong. One of the great strengths of the Senate is its role as a continuing body with continuing rules that have, until the 108th Congress, been respected and followed under either Democratic leadership or Republican control. Our rules must not change to give whoever is in the majority the power to jerry rig whatever result is desired.

As the Rev. Martin Luther King wrote in his famous Letter from a Birmingham Jail, ''Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal.''

Fair process is a fundamental component of the American system of law. If we cannot have a fair process in these halls or in our courts, how will the resulting decisions be viewed? If the rule of law is to mean anything it must mean that it applies to all equally.

No man and no party should be above the law. That has been one of the strengths of our democracy. Our country was born in reaction to the autocracy and corruption of King George, and we must not forget our roots as a nation of both law and liberty. The best guarantee of liberty is the rule of law, meaning that the decisions of government are not arbitrary and that rules are not discretionary or enforced to help one side and then ignored to aid another. James Madison, one of the Framers of our Constitution, warned in Federalist No. 47 of the very danger that has threatened our great nation during the 108th Congress, a threat to our freedoms from within: ''[The] accumulation of all powers legislative, executive and judiciary in the same hands . . . may justly be pronounced the very definition of tyranny.''

The American people deserve better governance than we have seen with the destruction of rule after rule by a majority willing to sacrifice the power and precedents of the Senate. Our freedoms as Americans are the fruit of too much sacrifice to have the rules ignored in the United States Senate by partisans colluding with the White House to try to appoint unfit loyalists to courts who have been chosen with the hope that they will re-interpret our great precedents and overturn the very laws that have protected our most fundamental rights as Americans.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

INTERNATIONAL GRANT PROGRAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 818, S. 2635.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant bill clerk read as follows:

A bill (S. 2635) to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of the United States and to address the homeland security needs of Federal, State, and local governments.

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on Governmental Affair with an amendment.

(Strike the parts shown in black brackets and insert the part printed in italic.)

S. 2635

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

[SECTION 1. TECHNOLOGY CLEARINGHOUSE.

[Section 430 of the Homeland Security Act of 2002 (6 U.S.C. 238) is amended—

[(1) in subsection (c)—

[(A) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

[(B) by inserting after paragraph (6) the following:

[''(7) establishing a program to identify, develop, or modify existing or near term homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments;'';

[(2) by redesignating subsection (d) as subsection (e); and

[(3) by inserting after subsection (c) the following:

[''(d) HOMELAND SECURITY INFORMATION, EQUIPMENT, CAPABILITIES, TECHNOLOGIES, AND SERVICES GRANT PROGRAM.—

[''(1) IN GENERAL.—In developing the program established under subsection (c)(7), the Secretary, acting through the Director of the Office for Domestic Preparedness and in consultation with the Under Secretary for Science and Technology, shall—

[''(A) conduct a needs assessment of Federal, State, and local governments and first responders to identify—

[''(i) the homeland security needs of Federal, State, and local governments and first responders; and

[''(ii) areas where specific homeland security information, equipment, capabilities, technologies, and services could address those needs;

[''(B) survey near term and existing homeland security information, equipment, capabilities, technologies, and services developed

within the United States and within other countries that—

[''(i) are highly focused on homeland security issues; and

[''(ii) have demonstrated the capability for fruitful cooperation with the United States in the area of counterterrorism; and

[''(C) provide grants, directly or through a nonprofit, nongovernmental organization, to eligible applicants to develop new, or modify existing, homeland security information, equipment, capabilities, technologies, and services to address the needs identified in subparagraph (A).

[''(2) ELIGIBLE APPLICANTS.—An applicant is eligible to receive a grant under this subsection if the applicant—

[''(A) addresses 1 or more needs of Federal, State, and local governments and first responders, as identified through the assessment conducted under paragraph (1)(A);

[''(B) is a joint venture between—

[''(i) a for profit business entity, academic institution, or non–profit entity; and

[''(ii) another entity that has demonstrated capability in the area of counterterrorism or homeland security; and

[''(C) meets any other qualifications that the Secretary may reasonably require.

[''(3) PRIORITY.—The Secretary shall give priority to those applicants who propose to provide the homeland security information, equipment, technologies, or services developed or modified with grant funds to Federal, State, and local governments and first responders.

[''(4) MATCHING REQUIREMENT.—The Secretary may require a recipient of a grant under this subsection to make available non-Federal matching contributions in an amount equal to up to 50 percent of the total proposed cost of the project for which the grant was awarded.

[''(5) GRANT REPAYMENT.—The Secretary may require a recipient of a grant under this subsection to repay to the Secretary the amount of the grant, interest at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate. The Secretary may not require that such repayment be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

[''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 for fiscal year 2005 to carry out the grant program established under this subsection.''.

[SEC. 2. HOMELAND SECURITY INFORMATION, EQUIPMENT, CAPABILITIES, TECHNOLOGIES, AND SERVICES GRANT PROGRAM.

[Section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193) is amended—

[(1) by redesignating subsection (c) as subsection (d); and

[(2) by inserting after subsection (b) the following:

[''(c) HOMELAND SECURITY INFORMATION, EQUIPMENT, CAPABILITIES, TECHNOLOGIES, AND SERVICES GRANT PROGRAM.—In developing the program described in section 430(d), the Under Secretary for Science and Technology shall assist the Director of the Office for Domestic Preparedness by reviewing, testing, and evaluating applications or proposals.''.]

SECTION 1. FINDINGS.

Congress finds the following:

(1) The development and implementation of technology is a crucial component of combating terrorism and implementing homeland security strategies.

(2) The Government of Israel and companies in Israel have extensive experience with matters pertaining to homeland security generally, and antiterrorism specifically, including expertise in the fields of border integrity, transportation security, first responder equipment, and civil defense planning.

(3) The United States and Israel have an extensive history of working cooperatively and successfully to assist with the development of agricultural, defense, telecommunications, and other technologies that are mutually beneficial to each country, as exemplified by the success of the Binational Industrial Research and Development Foundation (referred to in this section as the ''BIRD Foundation'').

(4) Initiated in 1977 as a grant program, funded equally by the Governments of the United States and Israel in support of joint ventures between businesses in the United States and in Israel, the BIRD Foundation has invested $180,000,000 in 600 projects over the past 27 years and has realized $7,000,000,000 in sales and the development of a number of important technologies.

(5) The establishment of a similar binational program, or the expansion of the BIRD Foundation, to support the development of technologies and services applicable to homeland security would be beneficial to the security of the United States and Israel and would strengthen the economic ties between the two countries.

SEC. 2. UNITED STATES-ISRAEL HOMELAND SECURITY GRANT PROGRAM.

(a) ESTABLISHMENT.—There is established a program between the United States and Israel to identify, develop, or modify existing or near term homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments.

(b) HOMELAND SECURITY NEEDS ASSESSMENT.—In carrying out the program established under subsection (a), the Secretary of Homeland Security shall—

(1) conduct a needs assessment of Federal, State, and local governments and first responders to identify—

(A) the homeland security needs of Federal, State, and local governments and first responders; and

(B) areas where specific homeland security information, equipment, capabilities, technologies, and services could address those needs;

(2) survey near term and existing homeland security information, equipment, capabilities, technologies, and services developed within the United States and Israel; and

(3) provide grants, directly or through a nonprofit, nongovernmental organization, to eligible applicants to develop, manufacture, sell, or otherwise provide homeland security information, equipment, capabilities, technologies, and services to address the needs identified under paragraph (1).

(c) ELIGIBLE APPLICANTS.—An applicant is eligible to receive a grant under this section if the applicant—

(1) addresses one or more needs of Federal, State, and local governments and first responders, as identified through the assessment conducted under subsection (b)(1) or homeland security needs otherwise identified by the Department of Homeland Security;

(2) is a joint venture between—

(A) a for profit business entity, academic institution, or non-profit entity in the United States and a for profit business entity, academic institution, or non-profit entity in Israel; or

(B) the government of the United States and the government of Israel; and

(3) meets any other qualifications that the Secretary may reasonably require.

(d) APPLICATION.—Each eligible applicant seeking a grant under this section shall submit to the Secretary of Homeland Security, or the head of a nonprofit, nongovernmental organization authorized by the Secretary to award such grants, an application that contains—

(1) the identification of the joint venture applying for the grant and the identity of each entity participating in the joint venture;

(2) a description of the product or service with applications related to homeland security that the applicant is developing, manufacturing, or selling;

(3) the development, manufacturing, sales, or other activities related to such product or service that the applicant is seeking to carry out with grant funds;

(4) a detailed capital budget for such product or service, including the manner in which the grant funds will be allocated and expended; and

(5) such other information as the Secretary of Homeland Security may reasonably require.

(e) ADVISORY BOARD.—

(1) ESTABLISHMENT.—If the Secretary of Homeland Security makes funds available to a nonprofit, nongovernmental organization to award grants to eligible applicants, the Secretary shall establish an advisory board to monitor how such grants are awarded.

(2) MEMBERSHIP.—The advisory board shall be comprised of—

(A) an appropriate representative of the Government of the United States, as designated by the Secretary of Homeland Security; and

(B) an official designated by the Government of Israel.

(f) ADDITIONAL CONDITION.—

(1) IN GENERAL.—The Secretary of Homeland Security may impose a condition that the Government of Israel contribute an amount that the Secretary determines to be appropriate toward a project to be funded by a grant under this section before the disbursement of proceeds of such grant.

(2) LIMITATION.—The Secretary may not prescribe a condition that requires a contribution toward the project from the Government of Israel of an amount in excess of the amount of the grant awarded under this section for such project.

(g) PRIORITY.—The Secretary of Homeland Security shall give priority to those applicants who propose to market the homeland security information, equipment, technologies, or services developed or modified with grant funds to Federal, State, and local governments and first responders.

(h) MATCHING REQUIREMENT.—The Secretary of Homeland Security may require a recipient of a grant under this section to make available non-Federal matching contributions in an amount equal to up to 50 percent of the total proposed cost of the project for which the grant was awarded.

(i) GRANT REPAYMENT.—The Secretary of Homeland Security may, as appropriate, require a recipient of a grant under this section to repay to the Secretary, or the nonprofit, nongovernmental entity designated by the Secretary, the amount of the grant, interest at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate. The Secretary may not require that such repayment be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security to carry out the grant program established under this section—

(1) $25,000,000 for fiscal year 2005; and

(2) such sums as may be necessary for fiscal year 2006.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the committee substitute amendment, as amended, be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4077) was agreed to, as follows:

On page 9, line 10, after ''institution,'' insert ''Department of Energy national laboratory,''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2635), as amended, was read a third time and passed, as follows:

S. 2635

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) The development and implementation of technology is a crucial component of combating terrorism and implementing homeland security strategies.

(2) The Government of Israel and companies in Israel have extensive experience with matters pertaining to homeland security generally, and antiterrorism specifically, including expertise in the fields of border integrity, transportation security, first responder equipment, and civil defense planning.

(3) The United States and Israel have an extensive history of working cooperatively and successfully to assist with the development of agricultural, defense, telecommunications, and other technologies that are mutually beneficial to each country, as exemplified by the success of the Binational Industrial Research and Development Foundation (referred to in this section as the ''BIRD Foundation'').

(4) Initiated in 1977 as a grant program, funded equally by the Governments of the United States and Israel in support of joint ventures between businesses in the United States and in Israel, the BIRD Foundation has invested $180,000,000 in 600 projects over the past 27 years and has realized $7,000,000,000 in sales and the development of a number of important technologies.

(5) The establishment of a similar binational program, or the expansion of the BIRD Foundation, to support the development of technologies and services applicable to homeland security would be beneficial to the security of the United States and Israel and would strengthen the economic ties between the two countries.

SEC. 2. UNITED STATES-ISRAEL HOMELAND SECURITY GRANT PROGRAM.

(a) ESTABLISHMENT.—There is established a program between the United States and Israel to identify, develop, or modify existing or near term homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments.

(b) HOMELAND SECURITY NEEDS ASSESSMENT.—In carrying out the program established under subsection (a), the Secretary of Homeland Security shall—

(1) conduct a needs assessment of Federal, State, and local governments and first responders to identify—

(A) the homeland security needs of Federal, State, and local governments and first responders; and

(B) areas where specific homeland security information, equipment, capabilities, technologies, and services could address those needs;

(2) survey near term and existing homeland security information, equipment, capabilities, technologies, and services developed within the United States and Israel; and

(3) provide grants, directly or through a nonprofit, nongovernmental organization, to eligible applicants to develop, manufacture, sell, or otherwise provide homeland security information, equipment, capabilities, technologies, and services to address the needs identified under paragraph (1).

(c) ELIGIBLE APPLICANTS.—An applicant is eligible to receive a grant under this section if the applicant—

(1) addresses one or more needs of Federal, State, and local governments and first responders, as identified through the assessment conducted under subsection (b)(1) or homeland security needs otherwise identified by the Department of Homeland Security;

(2) is a joint venture between—

(A) a for profit business entity, academic institution, Department of Energy national laboratory, or non-profit entity in the United States and a for profit business entity, academic institution, or non-profit entity in Israel; or

(B) the government of the United States and the government of Israel; and

(3) meets any other qualifications that the Secretary may reasonably require.

(d) APPLICATION.—Each eligible applicant seeking a grant under this section shall submit to the Secretary of Homeland Security, or the head of a nonprofit, nongovernmental organization authorized by the Secretary to award such grants, an application that contains—

(1) the identification of the joint venture applying for the grant and the identity of each entity participating in the joint venture;

(2) a description of the product or service with applications related to homeland security that the applicant is developing, manufacturing, or selling;

(3) the development, manufacturing, sales, or other activities related to such product or service that the applicant is seeking to carry out with grant funds;

(4) a detailed capital budget for such product or service, including the manner in which the grant funds will be allocated and expended; and

(5) such other information as the Secretary of Homeland Security may reasonably require.

(e) ADVISORY BOARD.—

(1) ESTABLISHMENT.—If the Secretary of Homeland Security makes funds available to a nonprofit, nongovernmental organization to award grants to eligible applicants, the Secretary shall establish an advisory board to monitor how such grants are awarded.

(2) MEMBERSHIP.—The advisory board shall be comprised of—

(A) an appropriate representative of the Government of the United States, as designated by the Secretary of Homeland Security; and

(B) an official designated by the Government of Israel.

(f) ADDITIONAL CONDITION.—

(1) IN GENERAL.—The Secretary of Homeland Security may impose a condition that the Government of Israel contribute an amount that the Secretary determines to be appropriate toward a project to be funded by a grant under this section before the disbursement of proceeds of such grant.

(2) LIMITATION.—The Secretary may not prescribe a condition that requires a contribution toward the project from the Government of Israel of an amount in excess of the amount of the grant awarded under this section for such project.

(g) PRIORITY.—The Secretary of Homeland Security shall give priority to those applicants who propose to market the homeland security information, equipment, technologies, or services developed or modified with grant funds to Federal, State, and local governments and first responders.

(h) MATCHING REQUIREMENT.—The Secretary of Homeland Security may require a recipient of a grant under this section to make available non-Federal matching contributions in an amount equal to up to 50 percent of the total proposed cost of the project for which the grant was awarded.

(i) GRANT REPAYMENT.—The Secretary of Homeland Security may, as appropriate, require a recipient of a grant under this section to repay to the Secretary, or the nonprofit, nongovernmental entity designated by the Secretary, the amount of the grant, interest at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate. The Secretary may not require that such repayment be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security to carry out the grant program established under this section—

(1) $25,000,000 for fiscal year 2005; and

(2) such sums as may be necessary for fiscal year 2006.

SENATE NATIONAL SECURITY WORKING GROUP

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 480, which was introduced by Senator FRIST earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 480) extending the authority for the Senate National Security Working Group.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 480) was agreed to, as follows:

S. RES. 480

Resolved, That Senate Resolution 105 of the One Hundred First Congress, 1st session (agreed to on April 13, 1989), as amended by Senate Resolution 149 of the One Hundred Third Congress, 1st session (agreed to on October 5, 1993), as further amended by Senate Resolution 75 of the One Hundred Sixth Congress, 1st session (agreed to on March 25, 1999), as further amended by Senate Resolution 383 of the One Hundred Sixth Congress, 2d session (agreed to on October 27, 2000), and as further amended by Senate Resolution 355 of the One Hundred Seventh Congress, 2d session (agreed to on November 13, 2002), is further amended—

(1) in section (1)(a)(3)—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (A) the following new subparagraphs:

''(B) The Working Group may also study any issues related to national security that

the Majority Leader and Minority Leader jointly determine appropriate.

''(C) In addition, the Working Group is encouraged to consult with parliamentarians and legislators of foreign nations and to participate in international forums and institutions regarding the matters described in subparagraphs (A) and (B).'';

(2) by striking each section designated as section 4; and

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

''SEC. 4. The provisions of this resolution shall remain in effect until December 31, 2006.''.

COMMENDING RICHARD WINTERS AND THE MEN OF EASY COMPANY, 101ST AIRBORNE DIVISION

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 481 submitted by Senator SANTORUM earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 481) expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement of Major Richard D. Winters (Ret.) during World War II, and commending him for leadership and valor in leading the men of Easy Company.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 481) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 481

Whereas historians have written that World War II began on September 1, 1939, when Nazi Germany, without a declaration of war, invaded Poland; and following Poland's surrender, the Nazis quickly moved to invade and occupy Denmark, Norway, Luxembourg, the Netherlands, and Belgium;

Whereas following the Japanese sneak attack on the United States at Pearl Harbor, Hawaii on December 7, 1941, the United States declared war on Japan and entered the conflict on the side of freedom and democracy;

Whereas when the fate of the free world was in jeopardy as a direct result of Adolf Hitler and the Nazi regime's desire for world conquest, the ''greatest generation ever'' took up the task of ridding the world of Nazi and Fascist regimes;

Whereas in 1944 the military forces of the United States, the United Kingdom, and Canada landed at 5 beaches (Utah Beach, Omaha Beach, Gold Beach, Juno Beach, and Sword Beach) in Normandy, France with the goal of liberating Europe from the Nazi forces;

Whereas according to military historians, in preparation for the amphibious invasion at Normandy, Allied planes pounded the Nazi defenders and dropped thousands of paratroopers behind German lines the night before the seaborne landings;

Whereas Major Richard D. Winters (Ret.), a native of Lancaster, Pennsylvania and a graduate of Franklin & Marshall College, served the United States honorably and with great distinction as 1st Lieutenant, Company E, 2nd Battalion, 506th Parachute Infantry Regiment, 101st Airborne Division;

Whereas landing at the town of Ste. Mere-Eglise on June 6, 1944, Lieutenant Winters took command of ''Easy Company'' following the death of the company commander in the airborne drop, and received orders to destroy a four-gun battery of German 105mm howitzers at a French farmhouse named ''Brecourt Manor'', 3 kilometers from Ste. Marie-du-Mont;

Whereas Lieutenant Winters, with only 12 men, proceeded to assault this enemy battery which was directing heavy fire against the 4th Infantry Division as they landed on Utah Beach;

Whereas against great odds, and through extraordinary bravery, Lieutenant Winters and his men were able to overcome a platoon of 50 elite German soldiers guarding the battery;

Whereas Lieutenant Winters personally led the attack and repeatedly exposed himself directly to enemy fire while performing his military duties;

Whereas this gallant action by Lieutenant Winters and his men, 4 of whom gave their lives, and 2 of whom were wounded, saved countless lives among the soldiers of the 4th Infantry Division; and

Whereas Lieutenant Richard D. Winters received the Distinguished Service Cross in recognition of his outstanding military service and achievement during the Normandy campaign: Now, therefore, be it

Resolved, That the Senate—

(1) salutes the accomplishments of Lieutenant Richard D. Winters and the men of ''Easy Company'' for their actions to ensure control over Utah Beach at Normandy;

(2) commends the heroism and bravery shown by Lieutenant Richard D. Winters in the face of death and severe hardship to accomplish his mission and save the lives of Allied Forces landing at Utah Beach;

(3) acknowledges the historical achievements of Lieutenant Richard D. Winters and the men of ''Easy Company'' in assuring the success of the Allied Normandy campaign, begun on June 6, 1944; and

(4) expresses its gratitude for the selfless service of Lieutenant Richard D. Winters, the men of ''Easy Company,'' and all veterans who served in World War II in restoring freedom to the world and for defeating the elements of evil and oppression.

CONGRATULATING THE BOSTON RED SOX ON WINNING THE 2004 WORLD SERIES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 482, submitted earlier today by Senators Kennedy, Reed, Kerry, and others.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 482) congratulating the Boston Red Sox on winning the 2004 World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, it is a long awaited—long, long, long awaited—privilege to have this opportunity on the Senate floor this morning to do something that no Member has been able to do for 86 years—congratulate the Boston Red Sox on winning-the World Series.

Red Sox nation is still celebrating.

What a year for sports in Boston, first the New England Patriots win the Super Bowl in football and now the Boston Red Sox are the World Champions in baseball. This feat of the same city winning both the Super Bowl and the World Series in the same year is also rare. It last happened in 1979, when the Pittsburgh Steelers won the Super Bowl and the Pittsburgh Pirates won the World Series. Boston truly is the city of champions. My only regret is that we didn't also manage to win the National Championship this year in the other famed contact sport—American politics.

But my purpose now is to urge my colleagues to support this resolution praising the victory of the Red Sox. That victory was celebrated not only in Boston but in the entire Nation, since Red Sox nation has fans in all 50 States. Fans across the Nation traveled to Boston on October 30 to be part of the 3 million fans who persevered through cold and wet weather to honor the team that they grew up watching and be part of the dramatic victory parade.

The Curse of the Bambino, as it was called, was finally lifted after 86 long years, and we had a World Series victory to celebrate at long last. It was far from an easy victory, but the Sox met the challenges with their never-give-up attitude. They came back from a three games to none deficit and won four straight games to defeat the Yankees and won the American League Pennant, 4 games to 3. The magical ride continued through the World Series that followed, and the Red Sox won another four straight games to defeat the St. Louis Cardinals and won the victory that has escaped us since 1918. And in doing so, winning eight straight playoff games, the Red Sox set a separate major league baseball record as well.

So I welcome this opportunity to salute each of these gifted and dedicated athletes as the modern Red Sox heroes, they are—Mark Bellhorn, Orlando Cabrera, Johnny Damon, Alan Embree, Keith Foulke, Derek Lowe, Pedro Martinez, Kevin Millar, Bill Mueller, Trot Nixon, David Ortiz, Manny Ramirez, Dave Roberts, Curt Schilling, Jason Varitek, and Tim Wakefield.

Red Sox Manager Terry Francona deserves immense credit for guiding the team to this new height, and inspiring all the players to rise to the challenges when the going seemed bleakest against the Yankees in the playoffs last month. They remind me of one of the famous slogans of the Army Air

Corps in World War II—''The difficult we do immediately—the impossible takes a little longer.''

I also congratulate, the president and CEO of the Red Sox, Larry Lucchino, and the team's general manager, Theo Epstein, who were indispensable in building this team of champions.

The owners of the Red Sox, John Henry and Tom Werner, never wavered from their goal of ending the curse and winning the World Series.

My grandfather, John Fitzgerald was Ma or of Boston when Fenway Park first opened in April, 1914, and it was easy to see how much he loved the team in all the years when I was growing up. I am sure he is smiling down now on this year's team as well, and I am delighted that my own grandchildren could savor this year's victory.

For the amazing feat the Boston Red Sox accomplished this year, we are eternally grateful. And this resolution is a way of expressing the gratitude of fans in Boston and across the country for this extraordinary achievement.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

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

The resolution (S. Res. 482) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 482

Whereas on October 27, 2004, the Boston Red Sox won their first World Series title in 86 years in a four-game sweep of the St. Louis Cardinals;

Whereas the Red Sox won their sixth world title in the 104-year history of the storied franchise;

Whereas the 2004 Red Sox World Champion team epitomized sportsmanship, selfless play, team spirit, determination, and heart in the course of winning 98 games in the regular season and clinching the American League Wild Card playoff berth;

Whereas the 2004 Red Sox World Champion team honored the careers of all former Red Sox legends, including Joe Cronin, Bobby Doerr, Carlton Fisk, Jimmie Foxx, Carl Yastrzemski, Cy Young, Johnny Pesky, Dom DiMaggio, Jim Rice, and Ted Williams;

Whereas the 2004 postseason produced new Red Sox legends, including Derek Lowe, Pedro Martinez, Curt Schilling, Tim Wakefield, Jason Varitek, Keith Foulke, Manny Ramirez, David Ortiz, Johnny Damon, Trot Nixon, Orlando Cabrera, Kevin Millar, Mike Timlin, Alan Embree, Mark Bellhorn, Bill Mueller, and Dave Roberts;

Whereas Red Sox Manager Terry Francona brought fresh leadership to the clubhouse this year, and brought together a self-proclaimed ''band of idiots'' and made them into one of the greatest Red Sox teams of all time;

Whereas Red Sox owners John Henry and Tom Werner and Red Sox President and Chief Executive Officer Larry Lucchino never wavered from their goal of bringing a World Series Championship to Boston;

Whereas Red Sox General Manager Theo Epstein assembled a team with strong pitching, a crushing offense, and most important, the heart and soul of a champion;

Whereas the Red Sox never trailed in any of the 36 innings of the World Series;

Whereas the Red Sox set a new major league record by winning eight consecutive games in the postseason;

Whereas Derek Lowe, Pedro Martinez, and Curt Schilling delivered gutsy pitching performances in the postseason worthy of their status as some of the best pitchers in Red Sox history;

Whereas the Red Sox starting pitching in Games 2, 3, and 4 of the World Series had a combined earned run average of 0.00;

Whereas Manny Ramirez won the 2004 World Series Most Valuable Player award in the World Series after batting .350 in the postseason with two home runs and 11 runs batted in;

Whereas the Red Sox staged the greatest comeback in baseball history in the American League Championship Series against their rivals, the New York Yankees, by winning four consecutive games after losing the first three games of the series;

Whereas the Red Sox prevailed in four consecutive American League Championship Series games, while producing some of the most memorable moments in sports history, including Dave Roberts stealing second base in the bottom of the ninth inning of Game 4, David Ortiz securing a walk-off home run in the 12th inning of Game 4, David Ortiz singling in the winning run in the bottom of the 14th inning in Game 5, and Johnny Damon making a grand slam in Game 7;

Whereas the entire Red Sox organization has a strong commitment to charitable causes in New England, demonstrated by the team's 51-year support of the Dana-Farber Cancer Institute's Jimmy Fund in the fight against childhood cancers;

Whereas fans of the Red Sox do not live only in Boston or New England, but all across the country and the world, and a grateful ''Red Sox Nation'' thanks the team for bringing a World Championship home to Boston;

Whereas the 2004 Boston Red Sox and their loyal fans believed; and

Whereas this IS next year: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Boston Red Sox for winning the 2004 Major League Baseball World Series and for their incredible performance during the 2004 Major League Baseball season; and

(B) the eight Major League Baseball teams that played in the postseason;

(2) recognizes the achievements of the Boston Red Sox players, manager, coaches, and support staff whose hard work, dedication, and spirit made this all possible;

(3) commends—

(A) the St. Louis Cardinals for a valiant performance during the 2004 season and the World Series; and

(B) the fans and management of the St. Louis Cardinals for allowing the Red Sox fans from Boston and around the Nation to celebrate their first title in 86 years at their home field; and

(4) directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2004 Boston Red Sox team;

(B) Red Sox Manager Terry Francona;

(C) Red Sox General Manager Theo Epstein;

(D) Red Sox President and Chief Executive Officer Larry Lucchino;

(E) Red Sox Principal Owner John Henry; and

(F) Red Sox Chairman Tom Werner.

MICROENTERPRISE RESULTS AND ACCOUNTABILITY ACT OF 2004

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. 3027, introduced earlier today by Senator DEWINE.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3027) to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 3027) was read the third time and passed, as follows:

S. 3027

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 ''Microenterprise Results and Accountability Act of 2004''.

SEC. 2. FINDINGS AND POLICY.

Congress finds and declares the following:

(1) Congress has demonstrated its support for microenterprise development assistance programs through the enactment of two comprehensive microenterprise laws:

(A) The Microenterprise for Self-Reliance Act of 2000 (title I of Public Law 106–309; 114 Stat. 1082).

(B) Public Law 108–31 (an Act entitled ''An Act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance program under those Acts, and for other purposes'', approved June 17, 2003).

(2) The report on the effectiveness of the United States Agency for International Development's microfinance program, prepared by the Consultative Group to Assist the Poor, rated the Agency in the top tier of the 17 donors in this field.

(3) The Comptroller General, in a report dated November 2003, found that the United States Agency for International Development has met some, but not all, of the key objectives of such microenterprise development assistance programs.

(4) The Comptroller General's report found, among other things, the following:

(A) Microenterprise development assistance generally can help alleviate some impacts of poverty, improve income levels and quality of life for borrowers and provide poor individuals, workers, and their families with an important coping mechanism.

(B) Microenterprise development assistance programs of the United States Agency for International Development have encouraged women's participation in microfinance projects and, according to data of the Agency, women have comprised two-thirds or more of the micro-loan clients in Agency-funded microenterprise projects since 1997.

(5)(A) The Comptroller General's report recommends that the Administrator of the

United States Agency for International Development review the Agency's ''microenterprise results reporting'' system with the goal of ensuring that its annual reporting is complete and accurate.

(B) Specifically, the Administrator should review and reconsider the methodologies used for the collection, analysis, and reporting of data on annual spending targets, outreach to the very poor, sustainability of microfinance institutions, and the contribution of Agency's funding to the institutions it supports.

SEC. 3. MICROENTERPRISE DEVELOPMENT ASSISTANCE.

Chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2166 et seq.) is amended by inserting after title V the following new title:

''TITLE VI—MICROENTERPRISE DEVELOPMENT ASSISTANCE

''SEC. 251. FINDINGS AND POLICY.

''Congress finds and declares the following:

''(1) Access to financial services and the development of microenterprise are vital factors in the stable growth of developing countries and in the development of free, open, and equitable international economic systems.

''(2) It is therefore in the best interest of the United States to facilitate access to financial services and assist the development of microenterprise in developing countries.

''(3) Access to financial services and the development of microenterprises can be supported by programs providing credit, savings, training, technical assistance, business development services, and other financial services.

''(4) Given the relatively high percentage of populations living in rural areas of developing countries, and the combined high incidence of poverty in rural areas and growing income inequality between rural and urban markets, microenterprise programs should target both rural and urban poor.

''(5) Microenterprise programs have been successful and should continue to empower vulnerable women in the developing world. The Agency should work to ensure that recipients of microenterprise and microfinance development assistance under this title communicate and work with nongovernmental organizations and government organizations to identify and assist victims of trafficking as provided for in section 106(a)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(a)(1); Public Law 106–386) and women who are victims of or susceptible to other forms of exploitation and violence.

''(6) Given that microenterprise programs have been successful in empowering disenfranchised groups such as women, microenterprise programs should also target populations disenfranchised due to race or ethnicity in countries where a strong relationship between poverty and race or ethnicity has been demonstrated, such as countries in Latin America.

''SEC. 252. AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.

''(a) AUTHORIZATION.—The President is authorized to provide assistance on a non-reimbursable basis for programs in developing countries to increase the availability of credit, savings, and other services to microfinance and microenterprise clients lacking full access to capital, training, technical assistance, and business development services, through—

''(1) assistance for the purpose of expanding the availability of credit, savings, and other financial and non-financial services to microfinance and microenterprise clients;

''(2) assistance for the purpose of training, technical assistance, and business development services for microenterprises to enable them to make better use of credit, to better manage their enterprises, to conduct market analysis and product development for expanding domestic and international sales, particularly to United States markets, and to increase their income and build their assets;

''(3) capacity-building for microfinance and microenterprise institutions in order to enable them to better meet the credit, savings, and training needs of microfinance and microenterprise clients; and

''(4) policy, regulatory programs, and research at the country level that improve the environment for microfinance and microenterprise clients and institutions that serve the poor and very poor.

''(b) IMPLEMENTATION.—

''(1) OFFICE OF MICROENTERPRISE DEVELOPMENT.—There is established within the Agency an office of microenterprise development, which shall be headed by a Director who shall be appointed by the Administrator and who should possess technical expertise and ability to offer leadership in the field of microenterprise development.

''(2) ADDITIONAL PROVISIONS.—

''(A) USE OF IMPLEMENTING PARTNER ORGANIZATIONS.—Assistance under this section shall emphasize the use of implementing partner organizations that best meet the requirements of subparagraph (C).

''(B) USE OF CENTRAL FUNDING MECHANISMS.—

''(i) PROGRAM.—In order to ensure that assistance under this title is distributed effectively and efficiently, the office shall also seek to implement a program of central funding under which assistance is administered directly by the office, including through targeted core support for microfinance and microenterprise networks and other practitioners.

''(ii) FUNDING.—Of the amount made available to carry out this subtitle for a fiscal year, not less than $25,000,000 should be made available to carry out clause (i).

''(C) EFFICIENCY AND COST-EFFECTIVENESS.—Assistance under this section shall meet high standards of efficiency, cost-effectiveness, and sustainability and shall especially provide the greatest possible resources to the poor and very poor. When administering assistance under this section, the Administrator shall—

''(i) take into consideration the percentage of funds a provider of assistance intends to expend on administrative costs;

''(ii) take all appropriate steps to ensure that the provider of assistance keeps administrative costs as low as practicable to ensure the maximum amount of funds are used for directly assisting microfinance and microenterprise clients, for establishing sustainable microfinance and microenterprise institutions, or for advancing the microenterprise development field; and

''(iii) give preference to proposals from providers of assistance that are the most technically competitive and have a reasonable allocation to overhead and administrative costs.

''(3) APPROVAL OF STRATEGIC PLANS.—With respect to assistance provided under this section, the office shall be responsible for concurring in the microenterprise development components of strategic plans of missions, bureaus, and other offices of the Agency and providing technical support to field missions to help the missions prepare such components.

''(c) TARGETED ASSISTANCE.—In carrying out sustainable poverty-focused programs under subsection (a), 50 percent of all microenterprise resources shall be targeted to clients who are very poor. Specifically, until September 30, 2006, such resources shall be used for—

''(1) support of programs under this section through practitioner institutions that—

''(A) provide credit and other financial services to clients who are very poor, with loans in 1995 United States dollars of—

''(i) $1,000 or less in the Europe and Eurasia region;

''(ii) $400 or less in the Latin America region; and

''(iii) $300 or less in the rest of the world; and

''(B) can cover their costs in a reasonable time period; or

''(2) demand-driven business development programs that achieve reasonable cost recovery that are provided to clients holding poverty loans (as defined by the regional poverty loan limitations in paragraph (1)(A)), whether they are provided by microfinance institutions or by specialized business development services providers.

''SEC. 253. MONITORING SYSTEM.

''(a) IN GENERAL.—In order to maximize the sustainable development impact of assistance authorized under section 252(a), the Administrator of the Agency, acting through the Director of the office, shall strengthen its monitoring system to meet the requirements of subsection (b).

''(b) REQUIREMENTS.—The requirements referred to in subsection (a) are the following:

''(1) The monitoring system shall include performance goals for the assistance and expresses such goals in an objective and quantifiable form, to the extent feasible.

''(2) The monitoring system shall include performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (1) and the objectives of the assistance authorized under section 252.

''(3) The monitoring system provides a basis for recommendations for adjustments to the assistance to enhance the sustainability and the impact of the assistance, particularly the impact of such assistance on the very poor, particularly poor women.

''(4) The monitoring system adopts the widespread use of proven and effective poverty assessment tools to successfully identify the very poor and ensure that they receive adequate access to microenterprise loans, savings, and assistance.

''SEC. 254. DEVELOPMENT AND CERTIFICATION OF POVERTY MEASUREMENT METHODS; APPLICATION OF METHODS.

''(a) DEVELOPMENT AND CERTIFICATION.—

''(1) IN GENERAL.—The Administrator of the Agency, in consultation with microenterprise institutions and other appropriate organizations, shall develop no fewer than two low-cost methods for implementing partner organizations to use to assess the poverty levels of their current incoming or prospective clients. The Administrator shall develop poverty indicators that correlate with the circumstances of the very poor.

''(2) FIELD TESTING.—The Administrator shall field-test the methods developed under paragraph (1). As part of the testing, institutions and programs may use the methods on a voluntary basis to demonstrate their ability to reach the very poor.

''(3) CERTIFICATION.—Not later than April 1, 2005, the Administrator shall, from among the low-cost poverty measurement methods developed under paragraph (1), certify no fewer than two such methods as approved methods for measuring the poverty levels of current, incoming, or prospective clients of microenterprise institutions for purposes of assistance under section 252.

''(b) APPLICATION.—The Administrator shall require that, with reasonable exceptions, all implementing partner organizations applying for microenterprise assistance under this title use one of the certified methods, beginning not later than October 1, 2006,

to determine and report the poverty levels of current, incoming, or prospective clients.

"SEC. 255. AVAILABILITY OF FUNDS; ADDITIONAL AUTHORITIES.

''(2) Notwithstanding any other provision of law, amounts made available for assistance for microenterprise development assistance under any provision of law other than this title may be provided to further the purposes of this title. To the extent assistance described in the preceding sentence is provided in accordance with such sentence, the Administrator of the Agency shall include, as part of the report required under section 258, a detailed description of such assistance and, to the extent applicable, the information required by paragraphs (1) through (11) of subsection (b) of such section with respect to such assistance.''.

SEC. 4. MICROENTERPRISE DEVELOPMENT CREDITS.

(a) TRANSFER.—Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 255 of the Foreign Assistance Act of 1961.

(b) REDESIGNATION.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 108 (as added by subsection (a)) as section 256.

(c) CONFORMING AMENDMENTS.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after the title heading the following:

''Subtitle A—Grant Assistance'';

(2) by inserting after section 255 the following:

''Subtitle B—Credit Assistance''; and

(3) in section 256 (as redesignated by subsection (b))—

(A) in the matter preceding paragraph (1) of subsection (c), by striking ''Administrator of the agency primarily responsible for administering this part'' and inserting ''Administrator of the Agency''; and

(B) in subsection (f)(1)—

(i) by striking ''section 131'' and inserting ''this part''; and

(ii) by striking ''for each of fiscal years 2001 through 2004'' and inserting ''for fiscal year 2005 and such sums as may be necessary for each of the fiscal years 2006 through 2009''.

SEC. 5. UNITED STATES MICROFINANCE LOAN FACILITY.

(a) TRANSFER.—Section 132 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152b) is hereby—

(1) transferred from chapter 1 of part I of the Foreign Assistance Act of 1961 to title VI of chapter 2 of part I of such Act (as added by section 3 of this Act); and

(2) inserted after section 256 of the Foreign Assistance Act of 1961 (as added by section 4 of this Act).

(b) REDESIGNATION.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 132 (as added by subsection (a)) as section 257.

(c) CONFORMING AMENDMENTS.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

(1) by inserting after section 256 the following:

''Subtitle C—United States Microfinance Loan Facility''; and

(2) in section 257 (as redesignated by subsection (b))—

(A) in subsection (b)(3), by striking ''2001 and 2002'' and inserting ''2005 through 2009'';

(B) in the matter preceding subparagraph (A) of subsection (d)(1), by striking ''this part for the fiscal year 2001, up to $5,000,000'' and inserting ''this part, up to $5,000,000 for fiscal year 2005 and such sums as may be necessary for each of the fiscal years 2006 through 2009,''; and

(C) by striking subsection (e).

SEC. 6. MISCELLANEOUS PROVISIONS.

Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (as added by section 3 of this Act and amended by sections 4 and 5 of this Act) is further amended by adding at the end the following new subtitle:

''Subtitle D—Miscellaneous Provisions

"SEC. 258. REPORT.

''(a) IN GENERAL.—Not later than June 30, 2006, and each June 30 thereafter, the Administrator of the Agency, acting through the Director of the office, shall submit to the appropriate congressional committees a report that contains a detailed description of the implementation of this title for the previous fiscal year.

''(b) CONTENTS.—The report shall contain the following:

''(1) The number of grants, cooperative agreements, contracts, contributions, or other form of assistance provided under section 252, with a listing of—

''(A) the amount of each grant, cooperative agreement, contract, contribution, or other form of assistance;

''(B) the name of each recipient and each developing country with respect to which projects or activities under the grant, cooperative agreement, contract, contribution, or other form of assistance were carried out; and

''(C) a listing of the number of countries receiving assistance authorized by section 252.

''(2) The results of the monitoring system required under section 253.

''(3) The process of developing and applying poverty assessment procedures required under section 254.

''(4) The percentage of assistance furnished under section 252 that was allocated to the very poor based on the data collected using the certified methods required by section 254.

''(5) The estimated number of the very poor reached with assistance provided under section 252.

''(6) The amount of assistance provided under section 252 through central mechanisms.

''(7) The name of each country that receives assistance under section 256 and the amount of such assistance.

''(8) Information on the efforts of the Agency to ensure that recipients of United States microenterprise and microfinance development assistance work closely with nongovernmental organizations and foreign governments to identify and assist victims or potential victims of severe forms of trafficking in persons and women who are victims of or susceptible to other forms of exploitation and violence.

''(9) Any additional information relating to the provision of assistance authorized by this title, including the use of the poverty measurement tools required by section 254, or additional information on assistance provided by the United States to support microenterprise development under this title or any other provision of law.

''(10) An estimate of the percentage of beneficiaries of assistance under this title in countries where a strong relationship between poverty and race or ethnicity has been demonstrated.

''(11) The level of funding provided through contracts, the level of funding provided through grants, contracts, and cooperative agreements that is estimated to be subgranted or subcontracted, as the case may be, to direct service providers, and an analysis of the comparative cost-effectiveness and sustainability of projects carried out under these mechanisms.

''(c) AVAILABILITY TO PUBLIC.—The report required by this section shall be made available to the public on the Internet website of the Agency.

"SEC. 259. DEFINITIONS.

'' In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Agency.

''(2) AGENCY.—The term 'Agency' means the United States Agency for International Development.

''(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(4) BUSINESS DEVELOPMENT SERVICES.—The term 'business development services' means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other related services.

''(5) DIRECTOR.—The term 'Director' means the Director of the office.

''(6) IMPLEMENTING PARTNER ORGANIZATION.—The term 'implementing partner organization' means an entity eligible to receive assistance under this title which is—

''(A) a United States or an indigenous private voluntary organization;

''(B) a United States or an indigenous credit union;

''(C) a United States or an indigenous cooperative organization;

''(D) an indigenous governmental or nongovernmental organization;

''(E) a microenterprise institution;

''(F) a microfinance institution; or

''(G) a practitioner institution.

''(7) MICROENTERPRISE INSTITUTION.—The term 'microenterprise institution' means a not-for-profit entity that provides services, including microfinance, training, or business development services, for microenterprise clients in foreign countries.

''(8) MICROFINANCE INSTITUTION.—The term 'microfinance institution' means a not-for-profit entity or a regulated financial intermediary that directly provides, or works to expand, the availability of credit, savings, and other financial services to microfinance and microenterprise clients in foreign countries.

''(9) MICROFINANCE NETWORK.—The term 'microfinance network' means an affiliated group of practitioner institutions that provides services to its members, including financing, technical assistance, and accreditation, for the purpose of promoting the financial sustainability and societal impact of microenterprise assistance.

''(10) OFFICE.—The term 'office' means the office of microenterprise development established under section 252(b)(1).

''(11) PRACTITIONER INSTITUTION.—The term 'practitioner institution' means a not-for-profit entity or a regulated financial intermediary, including a microfinance network, that provides services, including microfinance, training, or business development services, for microfinance and microenterprise clients, or provides assistance to microenterprise institutions in foreign countries.

''(12) PRIVATE VOLUNTARY ORGANIZATION.—The term 'private voluntary organization' means a not-for-profit entity that—

''(A) engages in and supports activities of an economic or social development or humanitarian nature for citizens in foreign countries; and

''(B) is incorporated as such under the laws of the United States, including any of its

states, territories or the District of Columbia, or of a foreign country.

''(13) UNITED STATES-SUPPORTED MICROFINANCE INSTITUTION.—The term 'United States-supported microfinance institution' means a financial intermediary that has received funds made available under this part for fiscal year 1980 or any subsequent fiscal year.

''(14) VERY POOR.—The term 'very poor' means those individuals—

''(A) living in the bottom 50 percent below the poverty line established by the national government of the country in which those individuals live; or

''(B) living on less than the equivalent of $1 per day (as calculated using the purchasing power parity (PPP) exchange rate method).''.

SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that, in carrying out title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (as added by section 3 of this Act and amended by sections 4 through 6 of this Act), the Administrator of the United States Agency for International Development—

(1) where applicable, should ensure that microenterprise development assistance provided under such title is matched by recipients with an equal amount of assistance from non-United States Government sources, including private donations, multilateral funding, commercial and concessional borrowing, savings, and program income;

(2) should include in the report required by section 258 of the Foreign Assistance Act of 1961 (as added by section 6 of this Act) a description of all matching assistance (as described in paragraph (1)) provided for the prior year by recipients of microenterprise development assistance under such title;

(3) should ensure that recipients of microenterprise development assistance under such title do not expend an unreasonably large percentage of such assistance on administrative costs;

(4) should not use recipients of microenterprise development assistance under such title to carry out critical management functions of the Agency, including functions such as strategy development or overall management of programs in a country; and

(5) should consult with the appropriate congressional committees with respect to the implementation of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 not later than 90 days after the date of the enactment of this Act.

SEC. 8. REPEALS.

(a) FOREIGN ASSISTANCE ACT OF 1961.—Section 131 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a) is hereby repealed.

(b) PUBLIC LAW 108–31.—

(1) IN GENERAL.—Section 4 of Public Law 108–31 (22 U.S.C. 2151f note) is amended by striking subsection (b).

(2) CONFORMING AMENDMENT.—Section 4 of Public Law 108–31 is amended by striking ''(a)'' and all that follows through ''Not later'' and inserting ''Not later''.

SEC. 9. REFERENCES.

Any reference in a law, regulation, agreement, or other document of the United States to section 108, 131, or 132 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to subtitle B of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, subtitle A of title VI of chapter 2 of part I of such Act, or subtitle C of title VI of chapter 2 of part I of such Act, respectively.

COMMODITY ASSESSMENT, PROTECTION, AND REFORM ACT

Mr. FRIST. I ask unanimous consent to proceed to the immediate consideration of Calendar No. 752, S. 2866.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2866) to amend the Farm Security and Rural Investment Act of 2002 to clarify the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 2866) was read the third time and passed, as follows:

S. 2866

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 ''Commodity Assessment, Protection, and Reform Act''.

SEC. 2. COLLECTION OF COMMODITY ASSESSMENTS.

Subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) is amended by adding at the end the following:

''SEC. 1210. COLLECTION OF COMMODITY ASSESSMENTS.

''(a) DEFINITION OF ASSESSMENT.—In this section, the term 'assessment' means funds that are—

''(1) collected with respect to a specific commodity in accordance with this Act;

''(2) paid by the first purchaser of the commodity in accordance with a State law or this title; and

''(3) not collected through a tax or other revenue collection activity of a State.

''(b) AUTHORITY TO COLLECT COMMODITY ASSESSMENTS FROM MARKETING ASSISTANCE LOANS.—The Secretary may collect commodity assessments from the proceeds of a marketing assistance loan made under this subtitle in accordance with an agreement between the Secretary and the State.''.

HIPAA RECREATIONAL INJURY TECHNICAL CORRECTION ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 779, S. 423.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 423) a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, 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. 423

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 ''Health Care Parity for Legal Transportation and Recreational Activities Act''.

[SEC. 2. COVERAGE AMENDMENTS.

[(a) ERISA.—Section 702(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(2)(B)) is amended by inserting before the period the following: '', except that a plan or issuer may not deny benefits otherwise provided for the treatment of an injury solely because such injury resulted from participation of the participant or beneficiary in an activity such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing or other similar legal activity''.

[(b) PHSA.—Section 2702(a)(2)(B) of the Public Health Service Act (42 U.S.C. 300gg–1(a)(2)(B)) is amended by inserting before the period the following: '', except that a plan or issuer may not deny benefits otherwise provided for the treatment of an injury solely because such injury resulted from participation of the enrollee in an activity such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing or other similar legal activity''.

[(c) INTERNAL REVENUE CODE.—Section 9802(a)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: '', except that a plan or issuer may not deny benefits otherwise provided for the treatment of an injury solely because such injury resulted from participation of the enrollee in an activity such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing or other similar legal activity''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''HIPAA Recreational Injury Technical Correction Act''.

SEC. 2. COVERAGE AMENDMENTS.

(a) ERISA.—Section 702(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(3)) is amended—

(1) by striking ''CONSTRUCTION.—For'' and inserting the following: ''SCOPE.—

''(A) WAITING PERIODS.—For''; and

(2) by adding at the end the following:

''(B) LIMITATION ON DENIAL OF BENEFITS.—For purposes of paragraph (2), a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not deny benefits otherwise provided under the plan or coverage for the treatment of an injury solely because such injury resulted from the participation of the individual in a legal mode of transportation or a legal recreational activity.''.

(b) PHSA.—Section 2702(a)(3) of the Public Health Service Act (42 U.S.C. 300gg–1(a)(3)) is amended—

(1) by striking ''CONSTRUCTION.—For'' and inserting the following: ''SCOPE.—

''(A) WAITING PERIODS.—For''; and

(2) by adding at the end the following:

''(B) LIMITATION ON DENIAL OF BENEFITS.—For purposes of paragraph (2), a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not deny benefits otherwise provided under the plan or coverage for the treatment of an injury solely because such injury resulted from the participation of the individual in a legal mode of transportation or a legal recreational activity.''.

(c) INTERNAL REVENUE CODE.—Section 9802(a)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''CONSTRUCTION.—For'' and inserting the following: ''SCOPE.—

''(A) WAITING PERIODS.—For''; and

(2) by adding at the end the following:

''(B) LIMITATION ON DENIAL OF BENEFITS.—For purposes of paragraph (2), a group health plan may not deny benefits otherwise provided under the plan for the treatment of an injury solely because such injury resulted from the participation of the individual in a legal mode of transportation or a legal recreational activity.''.

Mr. FRIST. I ask unanimous consent the committee amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 423), as amended, was read the third time and passed.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF BOTH HOUSES

Mr. FRIST. I ask unanimous consent the Senate proceed to the adjournment resolution which is at the desk, provided further that the resolution be amended with the amendment at the desk, and that the resolution be agreed to, as amended, and the motion to reconsider be laid upon the table.

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

The amendment (No. 4079) was agreed to, as follows:

On page 1, line 2, strike from ''that'' through the end of page 2, line 9 and insert in lieu thereof the following:

''When the House adjourns on Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stands adjourned until 2 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns from Saturday, November 20, 2004, through Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stands recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday, December 7, 2004, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.''

The concurrent resolution (H. Con. Res. 529), as amended, was agreed to, as follows:

H. CON. RES. 529

Resolved, That the resolution from the House of Representatives (H. Con. Res. 529) entitled ''Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.'', do pass with the following amendment:

On page 1, line 2, strike from ''That'' through the end of page 2, line 9 and insert in lieu thereof the following:

when the House adjourns on Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stands adjourned until 2:00 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns from Saturday, November 20, 2004, through Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stands recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday, December 7, 2004, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

MARINE DEBRIS RESEARCH AND REDUCTION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 792, S. 2488.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2488) to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that an Inouye substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, 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. 4078) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 2488), as amended, was read the third time and passed.

The title was amended so as to read: ''A bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.''

CONTROLLED SUBSTANCES EXPORT REFORM ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3028, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3028) to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I rise to introduce with my colleague, Senator BIDEN, the Controlled Substances Export Reform Act of 2004. This bill would make a minor, but long overdue, change to the Controlled Substances Act to reflect the reality of commerce in the 21st Century and to protect high-paying American jobs, while maintaining strong safeguards on exports.

Before I discuss this bill, I want to thank Senator BIDEN for working with me on this important legislation. Senator BIDEN has long been recognized as a national leader on drug-related measures, and we have a history of working together on a bipartisan basis to enact sensible reforms in this area, as evidenced by the recent enactment of our steroid precursor bill. I respect his thoughtful collaboration, and I thank him for his work on the proposal we are introducing today.

In sum, this proposed legislation will amend the Controlled Substances Act of 1970 providing greater parity for U.S. manufacturers, who wish to export their products while retaining full DEA authority over U.S. exports.

Current law places severe restrictions on exports of certain drug products from the United States. The Controlled Substances Export Reform Act proposes to amend that law to correct one small, but onerous provision that is unnecessarily threatening American jobs. This change is entirely consistent with the long-established regulatory scheme pursuant to the Federal Food, Drug and Cosmetic Act.

At present U.S. pharmaceutical manufacturers are permitted to export most controlled substances only to the immediate country where the products will be consumed. Shipments to centralized sites for further distribution across national boundaries are prohibited. This contrasts with the freedom of pharmaceutical manufacturers throughout the rest of the world to readily move approved medical products among and between international drug control treaty countries without limitation or restriction.

The unique prohibitions imposed on domestic manufacturers disadvantage U.S. businesses by requiring smaller, more frequent and costly shipments to each country of use without any demonstrable benefit to public health or safety. By imposing significant logistical challenges and financial burdens on U.S. companies, the law creates a strong incentive for domestic pharmaceutical manufacturers to move production operations overseas, threatening high-wage American jobs.

The Controlled Substances Act of 1970 permits U.S. manufacturers of Schedule I and II substances and

Schedule III and IV narcotics to export their products from U.S. manufacturing sites only to the receiving country where the drug will be used. The law prohibits export of these products if the drugs are to be distributed outside the country to which they are initially sent. The effect of this restriction is to prevent American businesses from using cost-effective, centralized foreign distribution facilities. In addition, under the current regime, unexpected cross-border demands or surges in patient needs cannot be met. Likewise, complex and time-sensitive export licensing procedures prevent the shipment of pharmaceuticals on a real time basis.

European drug manufacturers face no such constraints. They are able to freely move their exported products from one nation to another while complying with host country laws. This is entirely consistent with the scheme of regulation imposed by international drug control treaties. Only the United States imposes the additional limitation of prohibiting the further transfer of controlled substances.

Thus, while a French or British company can ship its products to a central warehouse in Germany for subsequent distribution across the European Union, an American company must incur the added costs of shipping its products separately to each individual country.

The Controlled Substances Export Reform Act would correct this imbalance and permit the highly regulated transshipment of exported pharmaceuticals placing American businesses on an equal footing with the rest of the world. Importantly, however, DEA's authority to control U.S. exports would not be diminished.

The legislation authorizes the Attorney General, or his designee, the DEA, to permit the re-export of Schedule I and II substances and Schedule III and IV narcotics to countries that are parties to the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances under tightly controlled circumstances: First, each country is required to have an established system of controls deemed adequate by the DEA. Next, only permit or license holders in those countries may receive regulated products. Third, re-exports are limited to one single cross-border transfer. Then the DEA must be satisfied by substantial evidence that the exported substance will be used to meet an actual medical, scientific or other legitimate need, and that the second country of receipt will hold or issue appropriate import licenses or permits. Fifth, in addition, the exporter must notify the DEA in writing within 30 days of a re-export. And finally, an export permit must have been issued by the DEA.

These safeguards are rigorous but fair, and represent a much-needed modernization of the law. The current restrictions on U.S. pharmaceutical exports have remained essentially unchanged for more than thirty years. In that time, the global economy has changed dramatically. For those among us who express concerns about the outsourcing of American jobs and the competitiveness of U.S. companies, this modest change represents an opportunity to address such problems head-on.

The Controlled Substance Act's limitation on U.S. pharmaceutical exports imposes unique, unnecessary, and significant logistical and financial burdens on American businesses. The effect of this outdated policy is to create a strong incentive for domestic pharmaceutical companies to move production overseas, threatening American jobs and eliminating DEA jurisdiction over the manufacture and shipment of their products. The Controlled Substances Export Reform Act removes this unwarranted barrier to U.S. manufacturers' use of cost-effective distribution techniques while retaining full DEA control of U.S. exports and re-exports. Accordingly, I urge my colleagues to join Senator BIDEN and myself in support of this bill.

SECTION 1003

I appreciate the distinguished Senator from Delaware's work on this legislation and am pleased to join with him in correcting this small, but important provision of law.

Section 1003 of the Controlled Substances Import and Export Act currently permits U.S. pharmaceutical manufacturers to export schedule I and II drugs and schedule III and IV narcotics only to the exact country where the products will be used. While American companies are prohibited from using centralized foreign distribution facilities, our international competitors face no similar restrictions and can freely ship medicines for cross-border distribution between all international drug control treaty countries.

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. Yes.

Mr. BIDEN. Isn't it true that the disadvantage to U.S. businesses of requiring smaller, more frequent shipments to each country of use is substantial? When a foreign entity seeks to import a schedule I or II drug, or a schedule III or IV narcotic from the United States, they must first secure an import permit that is shared with the U.S. manufacturer and DEA. Our companies then have 60 days in which to obtain independent safety and quality testing on each separate product batch to be shipped. Upon completion of that testing, the manufacturer submits a highly detailed export permit application for DEA's approval. If DEA fails to issue the permit within 60 days, the entire process must be restarted. Because independent testing is expensive and the export process is highly paper intensive, it is not unusual for companies to struggle against the 60–day deadline only to have to begin again. Unfortunately, while we engage in this burdensome process, patients suffer without their drugs and foreign physicians seek out substitutes to unreliable U.S. supplies.

This process was put in place long before the adoption of our international drug control treaties and the anti-diversion protections they provide. It is now outdated and unnecessary.

Mr. HATCH. Yes, the Senator is correct. In addition to the burden imposed on U.S. manufacturing exporters, the advent of the European Union has created a situation that places our foreign distributors in violation of European law. Member countries of the EU are considered borderless in terms of trade. Products introduced into the European Union are required to be available for transport and shipment among and between all member countries under their law. However, because we don't recognize the European Union as a single entity and cross-border transfers are prohibited, our distributors are placed in the position of violating European law in being forced to deny inter-country distribution of U.S. drugs.

Mr. BIDEN. Will the Senator yield for another question?

Mr. HATCH. Yes.

Mr. BIDEN. While the Controlled Substances Act restrictions made sense when they were adopted over 30 years ago, would you agree that changes in the way international pharmaceutical markets work, and in the way controlled substances are tracked, and have since rendered the requirements unnecessary? Our legislation was developed in cooperation with the Drug Enforcement Administration to ensure that all necessary anti-diversion controls remain.

Under our bill, each country is required to have an established system of controls deemed adequate by the DEA. Only DEA permit or license holders in those countries may receive regulated products. Re-exports are limited to one single cross-border transfer. The DEA must be satisfied by substantial evidence that the exported substance will be used to meet an actual medical, scientific or other legitimate need and that the second country of receipt will hold or issue appropriate import licenses or permits. The exporter must notify the DEA in writing within 30 days of a re-export, and an export permit must have been issued by the DEA.

The legislation specifically retains the Drug Enforcement Administration's authority to deny a request to export or re-export a controlled substance. A company seeking to export a drug for subsequent transfer must provide the DEA with exhaustive information on both the country of initial export and the countries to which the controlled substances would ultimately be destined. In addition, DEA must be provided follow-up notification of any cross border shipment within 30 days of that transfer. The U.S. Government will know where all drugs are being shipped and for what purpose. Without that information, U.S. pharmaceuticals will never leave our soil.

Mr. HATCH. That it is correct. The purpose and intent of this legislation is to place U.S. pharmaceutical companies on equal footing with their international competitors. Moreover, this change is entirely consistent with the long-established regulatory scheme pursuant to the Federal Food, Drug and Cosmetic Act. Eliminating the need for multiple, small shipments and the associated wasteful, small batch testing, will save U.S. companies nearly 80 percent over current export distribution costs, savings that will result in more American jobs and stronger international markets for U.S. products.

As the Senator noted, the bill has been crafted with the assistance of the Drug Enforcement Administration to ensure all necessary controls will remain in place while creating a level playing field for American business. It is simply a commonsense update to an outdated law, and I urge its passage.

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. 3028) was read the third time and passed, as follows:

S. 3028

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

SECTION 1. REEXPORTATION OF CONTROLLED SUBSTANCES.

(a) SHORT TITLE.—This Act may be cited as the ''Controlled Substances Export Reform Act of 2004''.

(b) IN GENERAL.—Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953) is amended by adding at the end the following:

''(f) Notwithstanding subsections (a)(4) and (c)(3), the Attorney General may authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule III or IV to be exported from the United States to a country for subsequent export from that country to another country, if each of the following conditions is met:

''(1) Both the country to which the controlled substance is exported from the United States (referred to in this subsection as the 'first country') and the country to which the controlled substance is exported from the first country (referred to in this subsection as the 'second country') are parties to the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, 1971.

''(2) The first country and the second country have each instituted and maintain, in conformity with such Conventions, a system of controls of imports of controlled substances which the Attorney General deems adequate.

''(3) With respect to the first country, the controlled substance is consigned to a holder of such permits or licenses as may be required under the laws of such country, and a permit or license to import the controlled substance has been issued by the country.

''(4) With respect to the second country, substantial evidence is furnished to the Attorney General by the person who will export the controlled substance from the United States that—

''(A) the controlled substance is to be consigned to a holder of such permits or licenses as may be required under the laws of such country, and a permit or license to import the controlled substance is to be issued by the country; and

''(B) the controlled substance is to be applied exclusively to medical, scientific, or other legitimate uses within the country.

''(5) The controlled substance will not be exported from the second country.

''(6) Within 30 days after the controlled substance is exported from the first country to the second country, the person who exported the controlled substance from the United States delivers to the Attorney General documentation certifying that such export from the first country has occurred.

''(7) A permit to export the controlled substance from the United States has been issued by the Attorney General.''.

AUTHORIZATION TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that during this adjournment of the Senate, the majority leader, the assistant majority leader, and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

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

APPOINTMENTS AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two houses or by order of the Senate.

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

ORDERS FOR NOVEMBER 24, 2004 AND DECEMBER 7, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 5 p.m. on Wednesday, November 24, 2004, unless the Senate receives a message from the House that the House has agreed to the amendment of the Senate to H. Con. Res. 529, in which case the Senate shall stand adjourned until 9:30 a.m., December 7, 2004, under the provisions of H. Con. Res. 529.

I further ask that following the prayer and pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business until the hour of 12:30, with Senators speaking for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, in a moment we will be adjourning until early December. When we return on Tuesday, December 7, we will be in morning business throughout the day. It is my hope that the intelligence reform conference report will be ready for consideration that afternoon.

Finally, I thank my colleagues on both sides of the aisle. We have had a challenging few days as we worked through the issues remaining before us. Just moments ago, we were able to confirm a very large number of nominations, which have been waiting for Senate action for a long period of time. I thank the Democratic leadership, in particular, for their cooperation and efforts. It took persistence from both sides of the aisle, but it was very important that neither side gave up and the Senate was able to work its will on these nominations.

I wish everybody a happy and safe Thanksgiving.

ADJOURNMENT UNTIL WEDNESDAY, NOVEMBER 24, 2004, AT 5 P.M., OR TUESDAY, DECEMBER 7, 2004, AT 9:30 A.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 529.

The PRESIDING OFFICER. Without objection, the Senate is adjourned until Wednesday, November 24, 2004, at 5 p.m., unless the Senate receives a message from the House agreeing to the amendment of the Senate to H. Con. Res. 529, in which case the Senate will reconvene on Tuesday, December 7, 2004, at 9:30 a.m.

There being no objection, the Senate, at 12:31 p.m., adjourned until Wednesday, November 24, 2004 at 5 p.m. or until Tuesday, December 7, 2004, at 9:30 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

WILLIAM A. SCHAMBRA, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2006.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2006.

CYNTHIA BOICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007.

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HENRY LOZANO, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

RAQUEL EGUSQUIZA, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2005.

MARK D. GEARAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR

NATIONAL AND COMMUNITY SERVICES FOR A TERM OF ONE YEAR.

LEONA WHITE HAT, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

SHARON TUCKER, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005.

EDWARD ALTON PARRISH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 2008.

MIMI MAGER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2007.

JACOB JOSEPH LEW, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations and the nominations were confirmed:

SHARON BROWN-HRUSKA, OF VIRGINIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2009.

MICHAEL J. HARRISON, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

FREDERICK WILLIAM HATFIELD, OF CALIFORNIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2008.

DALLAS TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2010.

MICHAEL V. DUNN, OF IOWA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 19, 2006.

The Senate Committee on the Judiciary was discharged from further consideration of the following nomination and the nomination was confirmed:

PATRICIA CUSHWA, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 20, 2004:

UNITED STATES INTERNATIONAL TRADE COMMISSION

DANIEL PEARSON, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2011.

CHARLOTTE A. LANE, OF WEST VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2009.

DEPARTMENT OF COMMERCE

MICHAEL D. GALLAGHER, OF WASHINGTON, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

EXPORT-IMPORT BANK OF THE UNITED STATES

LINDA MYSLIWY CONLIN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2007.

DEPARTMENT OF THE INTERIOR

SUE ELLEN WOOLDRIDGE, OF VIRGINIA, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

GARY LEE VISSCHER, OF MARYLAND, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

CHARLES JOHNSON, OF UTAH, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.

ANN R. KLEE, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

BENJAMIN GRUMBLES, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF COMMERCE

THEODORE WILLIAM KASSINGER, OF MARYLAND, TO BE DEPUTY SECRETARY OF COMMERCE.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

JACK EDWIN MCGREGOR, OF CONNECTICUT, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

DEPARTMENT OF LABOR

LISA KRUSKA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF EDUCATION

EDWARD R. MCPHERSON, OF TEXAS, TO BE UNDER SECRETARY OF EDUCATION.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

DAVID WESLEY FLEMING, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2007.

JAY PHILLIP GREENE, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2005.

JOHN RICHARD PETROCIK, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2008.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

PATRICK LLOYD MCCRORY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005.

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009.

DEPARTMENT OF EDUCATION

ROBERT C. GRANGER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS.

GERALD LEE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CATHY M. MACFARLANE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DENNIS C. SHEA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

ROMOLO A. BERNARDI, OF NEW YORK, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

AFRICAN DEVELOPMENT FOUNDATION

CONSTANCE BERRY NEWMAN, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2009.

SELECTIVE SERVICE SYSTEM

WILLIAM A. CHATFIELD, OF TEXAS, TO BE DIRECTOR OF SELECTIVE SERVICE.

DEPARTMENT OF DEFENSE

MARK FALCOFF, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

DEPARTMENT OF VETERANS AFFAIRS

PAMELA M. IOVINO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS).

EXECUTIVE OFFICE OF THE PRESIDENT

DAVID SAFAVIAN, OF MICHIGAN, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.

UNITED STATES POSTAL SERVICE

JAMES C. MILLER III, OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 2010.

POSTAL RATE COMMISSION

DAWN A. TISDALE, OF TEXAS, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2006.

FEDERAL ENERGY REGULATORY COMMISSION

SUEDEEN G. KELLY, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2009.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES R. KUNDER, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

AFRICAN DEVELOPMENT FOUNDATION

EDWARD BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING NOVEMBER 13, 2007.

EXECUTIVE OFFICE OF THE PRESIDENT

ADAM MARC LINDEMANN, OF NEW YORK, TO BE MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2005.

DEPARTMENT OF STATE

ANN M. CORKERY, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WALID MAALOUF, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOHN D. ROOD, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

CHARLES GRAVES UNTERMEYER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

ALDONA WOS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

DEPARTMENT OF THE TREASURY

TIMOTHY S. BITSBERGER, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

PAUL JONES, OF COLORADO, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CARIN M. BARTH, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

MERIT SYSTEMS PROTECTION BOARD

NEIL MCPHIE, OF VIRGINIA, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD.

BARBARA J. SAPIN, OF MARYLAND, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2007.

DEPARTMENT OF COMMERCE

BENJAMIN H. WU, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE FOR TECHNOLOGY POLICY.

BRETT T. PALMER, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

ALBERT A. FRINK, JR., OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SCOTT KEVIN WALKER, OF WISCONSIN, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

FEDERAL TRADE COMMISSION

JON D. LEIBOWITZ, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR A TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2003.

DEBORAH P. MAJORAS, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2001.

NATIONAL COUNCIL ON THE ARTS

GERARD SCHWARZ, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 2006.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMES BALLINGER, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2010.

TERENCE ALAN TEACHOUT, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2010.

DEPARTMENT OF EDUCATION

JONATHAN BARON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS.

ELIZABETH ANN BRYAN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS.

JAMES R. DAVIS, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

FRANK PHILIP HANDY, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS.

ERIC ALAN HANUSHEK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

CAROLINE M. HOXBY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS.

ROBERTO IBARRA LOPEZ, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

RICHARD JAMES MILGRAM, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS.

SALLY EPSTEIN SHAYWITZ, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS.

JOSEPH K. TORGESEN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS.

HERBERT JOHN WALBERG, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

HERMAN BELZ, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

TAMAR JACOBY, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

CRAIG HAFFNER, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

JAMES DAVIDSON HUNTER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

HARVEY KLEHR, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

THOMAS K. LINDSAY, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

IRIS LOVE, OF VERMONT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

THOMAS MALLON, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

RICARDO QUINONES, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2010.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

BEVERLY ALLEN, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008.

GAIL DALY, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008.

DONALD LESLIE, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006.

AMY OWEN, OF UTAH, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008.

SANDRA PICKETT, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005.

RENEE SWARTZ, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007.

KIM WANG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004.

NATIONAL INSTITUTE FOR LITERACY

WILLIAM T. HILLER, OF OHIO, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2006.

RICHARD KENNETH WAGNER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2006.

JUAN R. OLIVAREZ, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2006.

UNITED STATES INSTITUTE OF PEACE

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2007.

NATIONAL COUNCIL ON DISABILITY

YOUNG WOO KANG, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

DEPARTMENT OF EDUCATION

JOHN H. HAGER, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION.

NATIONAL SCIENCE FOUNDATION

ARDEN BEMENT, JR., OF INDIANA, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS.

DEPARTMENT OF VETERANS AFFAIRS

ROBERT ALLEN PITTMAN, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND ADMINISTRATION).

DEPARTMENT OF STATE

CATHERINE TODD BAILEY, OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DOUGLAS MENARCHIK, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

INTER-AMERICAN DEVELOPMENT BANK

HECTOR E. MORALES, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

LLOYD O. PIERSON, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

AFRICAN DEVELOPMENT FOUNDATION

LLOYD O. PIERSON, AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2009.

DEPARTMENT OF DEFENSE

VINICIO E. MADRIGAL, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2009.

OTIS WEBB BRAWLEY, JR., OF GEORGIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2009.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

R. BRUCE MATTHEWS, OF NEW MEXICO, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2005.

JOSEPH F. BADER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2007.

CORPORATION FOR PUBLIC BROADCASTING

GAY HART GAINES, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2010.

CLAUDIA PUIG, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008.

ERNEST J. WILSON III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2010.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

JAMES S. SIMPSON, OF NEW YORK, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

FEDERAL MARITIME COMMISSION

HAROLD JENNINGS CREEL, JR., OF SOUTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2009.

FEDERAL COMMUNICATIONS COMMISSION

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM EXPIRING JUNE 30, 2008.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

EDWARD ALTON PARRISH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 2008.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

RAQUEL EGUSQUIZA, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13 , 2005.

COMMODITY FUTURES TRADING COMMISSION

SHARON BROWN-HRUSKA, OF VIRGINIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2009.

FREDERICK WILLIAM HATFIELD, OF CALIFORNIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2008.

MICHAEL V. DUNN, OF IOWA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 19, 2006.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

WILLIAM A. SCHAMBRA, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2006.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2006.

CYNTHIA BOICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007.

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HENRY LOZANO, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

MARK D. GEARAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICES FOR A TERM OF ONE YEAR.

LEONA WHITE HAT, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

MIMI MAGER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2007.

JACOB JOSEPH LEW, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008.

DEPARTMENT OF AGRICULTURE

MICHAEL J. HARRISON, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

DEPARTMENT OF JUSTICE

PATRICIA CUSHWA, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

FARM CREDIT ADMINISTRATION

DALLAS TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2010.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SHARON TUCKER, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005.

NATIONAL COUNCIL ON DISABILITY

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

DEPARTMENT OF JUSTICE

DEBORAH ANN SPAGNOLI, OF CALIFORNIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

THE JUDICIARY

ALAN G. LANCE, SR., OF IDAHO, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW.

CURTIS V. GOMEZ, OF VIRGIN ISLANDS, TO BE JUDGE FOR THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF TEN YEARS.

DEPARTMENT OF COMMERCE

JONATHAN W. DUDAS, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

UNITED STATES PAROLE COMMISSION

ISAAC FULWOOD, JR., OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

SOCIAL SECURITY ADMINISTRATION

PATRICK P. O'CARROLL, JR., OF MARYLAND, TO BE INSPECTOR GENERAL, SOCIAL SECURITY ADMINISTRATION.

MERIT SYSTEMS PROTECTION BOARD

NEIL MCPHIE, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2009.

THE JUDICIARY

RAYMOND L. FINCH, OF THE VIRGIN ISLANDS, TO BE JUDGE FOR THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF TEN YEARS.

MICAELA ALVAREZ, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

KEITH STARRETT, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

DEPARTMENT OF JUSTICE

LISA GODBEY WOOD, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

DAVID E. NAHMIAS, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

RICHARD B. ROPER III, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

UNITED STATES SENTENCING COMMISSION

RICARDO H. HINOJOSA, OF TEXAS, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION.

MICHAEL O'NEILL, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2009.

RUBEN CASTILLO, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2009.

THE JUDICIARY

CHRISTOPHER A. BOYKO, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

UNITED STATES SENTENCING COMMISSION

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 2005.

THE JUDICIARY

ROBERT N. DAVIS, OF FLORIDA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW.

MARY J. SCHOELEN, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

WILLIAM A. MOORMAN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF JUSTICE

ROBERT CRAMER BALFE III, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF THE TREASURY

J. RUSSELL GEORGE, OF VIRGINIA, TO BE INSPECTOR GENERAL FOR TAX ADMINISTRATION, DEPARTMENT OF THE TREASURY.

NATIONAL COUNCIL ON DISABILITY

MILTON APONTE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

NATIONAL SCIENCE FOUNDATION

DAN ARVIZU, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

STEVEN C. BEERING, OF INDIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

GERALD WAYNE CLOUGH, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

KELVIN KAY DROEGEMEIER, OF OKLAHOMA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

LOUIS J. LANZEROTTI, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

ALAN I. LESHNER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

JON C. STRAUSS, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

KATHRYN D. SULLIVAN, OF OHIO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2010.

DEPARTMENT OF THE TREASURY

ANNA ESCOBEDO CABRAL, OF VIRGINIA, TO BE TREASURER OF THE UNITED STATES.

THE JUDICIARY

GREGORY E. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF EDUCATION

EUGENE HICKOK, OF PENNSYLVANIA, TO BE DEPUTY SECRETARY OF EDUCATION.

EDWARD R. MCPHERSON, OF TEXAS, TO BE UNDER SECRETARY OF EDUCATION.

NATIONAL COUNCIL ON DISABILITY

ROBERT DAVILA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

LINDA WETTERS, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2006.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

JULIA L. WU, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING FEBRUARY 4, 2008.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

LAURIE STENBERG NICHOLS, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 2010.

DEPARTMENT OF EDUCATION

CAROL D'AMICO, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS.

DEPARTMENT OF STATE

YOUSIF B. GHAFARI, OF MICHIGAN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JANE DEE HULL, OF ARIZONA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

SUSAN L. MOORE, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GUY K. DAHLBECK

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRENT E. WINGET

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. ROBERT L. VAN ANTWERP, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JASON K. KAMIYA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KEITH L. THURGOOD

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 MICHAEL J. LALLY III

COAST GUARD NOMINATIONS BEGINNING GERARD P ACHENBACH AND ENDING ELIZABETH D YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 2004.

COAST GUARD NOMINATIONS BEGINNING JOEL A. AMUNDSON AND ENDING JOSEPH M. ZWACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING RALPH L. BOYCE, JR. AND ENDING ROBERT J. WHIGHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7, 2004

FOREIGN SERVICE NOMINATIONS BEGINNING ROBERT M. CLAY AND ENDING MARCIA L. NORMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 7, 2004.

EXTENSIONS OF REMARKS

IN RECOGNITION OF WENDY WILLIAMS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PALLONE. Mr. Speaker, I rise today in praise of the talented and accomplished radio personality, Ms. Wendy Williams. Wendy stands as a testament to all that can be accomplished through hard work, dedication and the ability to relate well to others. Born in Ocean Township, New Jersey, Wendy earned her Bachelor's Degree in Communications with a minor in Journalism from Northeastern University in Boston. Throughout college she interned at Boston's Kiss 108 radio station, while working various shifts at her college radio station.

Two weeks after graduating college, Wendy started working at WVIS, St. Croix, USVI. After successful stints at various radio stations across the mid-Atlantic region, including 3 years at POWER 99- where she took the morning show from number 15 to number one, Wendy settled back in New York City and has been the hugely successful and popular host of The Wendy Williams Experience. Her afternoon talk show, which airs on WBLS, attracts a large audience as well as countless celebrity guests. Her candid and straightforward interviewing style is often cited as a major contributing factor to her success.

Recently, Wendy has expanded to other media industries, including television and books, which include, Wendy's Got the Heat and The Wendy Williams Experience. In addition, Wendy covered the 2003 Grammys for the entertainment show, Extra, and has also appeared on Entertainment Tonight, Access Hollywood, E!, BET, MTV and Celebrity Justice. With her radio show expanding through syndication, we can be certain that Wendy's charismatic personality and unmistakable style will reach millions of others.

Once again, I praise Ms. Wendy Williams, not only for her accomplishments and the talent that she has shared with us, but for being a role model to so many women, particularly African-American women. Wendy's work and career offer us a mere glimpse of the extraordinary abilities of minority women that many times, go unrecognized. Today, I applaud Wendy for all that she brought to the field of entertainment and I thank her for being a trailblazer for the many women that will inevitably follow in her footsteps.

IN HONOR OF RUTH KESLER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Ruth E. Kesler, whose lifelong dedication to San Benito County consists of many volunteer and local government positions. Ruth will be stepping down as the San Benito Supervisor for District 2, where she has served for 12 years.

A longtime resident of San Benito County, Ruth has always taken an active interest in the problems facing senior citizens and the homeless. In addition to her time on the County Board of Supervisors, she has also served as Director and Chair of the Monterey Bay Unified Air Pollution Control District Board. Furthermore, Ruth has been the county's representative on the California State Association of Counties Board of Directors for the past two years.

In addition, Ruth has served on the Child Care and Development Council, Emergency Medical Care Commission, Mental Health Advisory Board and over a dozen other local government and volunteer committees. She has been a strong advocate of slow growth policies for the county and wishes to insure clean water for all citizens.

Mr. Speaker, I wish to congratulate Ruth on her long and honorable career and thank her for her contribution to our society. Ruth has consistently gone above and beyond the roles bestowed upon her, and has left a legacy of community leadership. I wish her all the luck in her future endeavors.

CONGRATULATING MR. JOHN M. TURNER ON RECEIPT OF THE LILLIAN C. MCGOWIN OUTSTANDING VOLUNTEER CIVIC LEADER AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. John M. Turner, President of Whitney Bank in Mobile, Alabama, on the occasion of his being honored with the Lillian C. McGowin Outstanding Volunteer Civic Leader Award.

This annual award is presented by the Alabama Gulf Coast Chapter of the Association of Fundraising Professionals. The local chapter of AFP represents nearly fifty fundraisers in the Alabama Gulf Coast region and encourages the growth and development of professional fundraisers, as well as promoting the maintaining of high ethical standards in this profession.

John Turner is certainly quite deserving of this recognition, having been extremely involved in the life of the Mobile community for many years. For many years, he has championed numerous educational and non-profit organizations in south Alabama, all of which have been the beneficiary of his efforts and those of his fellow fundraisers. These groups include St. Paul's Episcopal School, the Mobile Area Chamber of Commerce, the United Way, the Mobile Infirmary Foundation, Leadership Mobile, and the Mobile Education Foundation.

The Gulf Coast AFP Chapter undoubtedly received numerous worthy nominations for men and women from throughout Mobile who in their own way also make significant contributions to their friends and neighbors on a daily basis. I am certain it is difficult to make the final selection for this award, but as in the past, this year's winner has shown a tremendous level of community support and charitable giving. I have had the privilege of knowing John for many years and can personally attest to his deep concern for his neighbors and for so many in Mobile who have benefited from his tremendous generosity.

Mr. Speaker, I can think of no higher praise than that received from professional colleagues, and this award is certainly strong testimony to the esteem in which John M. Turner is held by so many in Mobile. Along with his many family, friends, and colleagues throughout south Alabama, I wish to extend to him my warmest congratulations on the receipt of the Lillian C. McGowin Outstanding Volunteer Civic Leader Award. Likewise, I can only imagine how proud John's great-grandfather, the late Congressman John McDuffie, would be knowing that John has continued in the family's strong and proud legacy of dedicated community service and charitable giving.

HONORING THE LIFE OF MRS. LYNN HAMTIL

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the life of Mrs. Lynn Hamtil, a friend, colleague and an indefatigable advocate for improving the quality of education in Orange County. She was a civic leader devoted to raising student standards and to nurturing our youth for responsible citizenship. Lynn passed away on September 21, 2004. Her recent death is a great loss to her community, her family, and this great nation.

Born in Wisconsin, she came to Orange County while in high school. Lynn later graduated from Fullerton High School and later attended Santa Ana College.

Lynn lived her life serving her community in every capacity imaginable, Lynn was a 40-year resident of Garden Grove, and was a Governing Board Member of the Garden Grove Unified School District. She was also known for her passion and involvement in her community serving as a six-term member of the Garden Grove Unified School District Board of Education, residing as a past president and vice-president. Lynn also is a recipient of the PTA Honorary Service Award and two Continuing Service Awards.

Lynn Hamtil was a role model for us all, a woman who worked hard and did her best to give back to her community. Her contributions

have left a legacy that will last for years to come. On behalf of the Congress, I extend sympathies to Lynn's family, and gratitude for all she did to make our community a better place.

DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ENHANCEMENT ACT OF 2004

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to support the Department of Veterans Affairs Health Care Personnel Enhancement Act of 2004, the Veterans' Benefits Improvements Act of 2004, and the Veterans Health Programs Improvement Act of 2004. These three pieces of legislation are critically needed. Our men and women in uniform exemplify the spirit, sacrifice, and commitment of the American people to securing freedom and democracy throughout the world. We owe it to our Armed Forces and veterans to ensure that their benefits are protected.

The Personnel Enhancement Act of 2004 sets forth new pay provisions for physicians and dentists employed by the Veterans Health Administration that will increase their income. This bill requires, among other provisions, that base pay be uniform nationwide and that performance pay be linked to individual achievements. This bill further provides for pay that is tailored to several variables, such as geographic region, area specialty, the nature of the assignment, and individual experience.

The Veterans Benefit Improvement Act of 2004 increases the maximum housing loan guarantee amount for which veterans are eligible and also increases the voluntary contribution amount that active duty members of the Armed Forces may make in order to receive increased monthly educational assistance under the Montgomery GI Bill.

The Veterans Health Programs Improvement Act of 2004 allows the principal office of the U.S. Court of Appeals for Veterans Claims to be in the Washington, D.C., and metropolitan area instead of restricting it to the District of Columbia. The bill also expresses the sense of Congress that a courthouse and justice center should be provided for the Court, if feasible, by the Pentagon.

Mr. Speaker, these three bills will improve the services available to our country's armed services personnel and veterans. Those who put their life on the line to fight for the continued freedom this country enjoys should be entitled to a support system that meets their needs. These three pieces of legislation do just that. I urge my colleagues to support all three bills.

HONORING PATRICK RYAN ON HIS RETIREMENT FROM THE HOUSE COMMITTEE ON VETERANS' AFFAIRS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SMITH of New Jersey. Mr. Speaker, as Patrick Ryan, Chief Counsel and Staff Director for the Committee on Veterans' Affairs, retires from government service, I rise today to pay tribute to his extraordinary career and accomplishments. After more than two decades working for the Committee, and a decade before that working for the Veterans Administration, Patrick is ending his public service career to pursue new personal and professional challenges.

Mr. Speaker, one of the first actions I took when I was elected chairman 4 years ago was to name Pat the chief counsel and staff director for the committee. Having been a member of the committee for 20 years, I was already familiar with the expertise, knowledge, judgment, compassion, and devotion that Patrick had displayed throughout his career.

A graduate of the University of Maryland, Pat went to work for the Veterans Administration in 1974 as a benefits counselor at the D.C. regional office. In this job, Pat learned firsthand about the challenges facing our Nation's veterans, especially those returning from the conflict in Vietnam. He also learned in detail about the programs and services that VA provided to help improve their lives. Among those Pat worked with at that time was a DAV benefits representative named Jesse Brown, who later became Secretary of Veterans Affairs in the 1990s.

Shortly after Pat went to work for VA, he also enrolled in the evening program at Georgetown University Law School. Over the next 4 years, he continued to work at VA, moving up to the position of budget analyst, while attending law school at night, earning his law degree in 1978. He then moved to a new position in VA's Office of General Counsel, where he worked for the next 5 years.

In 1983, Pat Ryan began working for the Committee on Veterans' Affairs, serving as counsel for the Subcommittee on Hospitals and Health Care. He later served as counsel for the Subcommittee on Oversight and Investigations, as well as for the full committee. Over the years, Pat was promoted to serve as both deputy chief counsel and finally, as chief counsel and staff director.

For the past 22 years, Pat Ryan has made tremendous contributions to many of the most important new veterans laws approved by Congress. He worked on numerous bills to expand services for aging veterans and those in need of long-term care. He was instrumental in helping to establish domiciliaries for homeless veterans and was the principal drafter of legislation to authorize VA's transitional housing guarantee program to benefit homeless veterans. Pat played a central role in helping to establish the Department of Veterans Affairs and in creating the U.S. Court of Appeals for Veterans Claims.

Pat has been deeply involved in numerous successful committee initiatives that have expanded and strengthened the Dependency and Indemnity Compensation, DIC, program, survivor health care services, and educational assistance benefits available to surviving spouses and children of servicemembers killed in action or who later die of a service-related cause. And over the past 20 years, Pat has played a role in increasing the Montgomery GI bill benefit for qualified veterans from $300 when he joined the committee to over $1,000 today.

Using his budget expertise, Pat has been invaluable in helping Congress ensure that VA's budget has been both appropriate and sufficient. His extensive knowledge of the law and the inner workings of VA has also greatly aided the committee in its work to provide exemplary oversight of veterans programs.

From managing the committee's professional staff, to drafting legislation, to overseeing VA's programs and services, Patrick Ryan is the consummate professional. During the four years I have served as chairman, he has helped draft and guide to enactment more than a dozen new laws to benefit veterans, including legislation to modernize the GI bill, expand veterans' health care programs, strengthen benefits for disabled veterans, and aid homeless veterans. I consider him to have been a partner in all that this committee has accomplished during our time together and it has been an honor to work side-by-side with him.

Throughout his tenure in the House, Patrick has earned and retained both the respect and the trust of Members and staff on both sides of the aisle. Pat was hired by Chairman Sonny Montgomery when the Democrats controlled the committee, and he went on to serve both the late Chairman Bob Stump and me while Republicans have controlled Congress. Pat is equally respected inside the Department of Veterans Affairs and by outside leaders of veterans service organizations.

Mr. Speaker, all of us who know Pat Ryan understand that he is driven to succeed, not for his own benefit, but to benefit his fellow man. What has made Patrick Ryan such a valuable public servant are his personal qualities of faith, hope, and charity. A leader in both his community and his church, Pat is well-known for his singing in the choir and for his love of music, especially his eclectic musical tastes.

On a personal level, Pat Ryan has lived his life in a way that has truly made a difference. He has walked to the beat of our Lord's drummer when He said ''whatsoever you do to the least of my brethren, you do likewise to me.'' For Pat, that means always looking out for the little guy. I have such respect and admiration for that character trait, and it is very strong in Patrick Ryan. What motivates Patrick first and foremost is devotion and love for his wife Kathie and their three children—Kerry, Dan, and Julia. For Pat Ryan, family comes first.

Pat is ever proud of his father who has passed, William Everest Ryan, a proud Marine who saw combat action during World War II in the South Pacific, where he was wounded and won the Purple Heart award. He later joined the Justice Department while continuing in the Marine reserves as an Officer in the JAG Corps, retiring with the rank of Colonel in 1964. After a distinguished career of government service, Pat's father retired from government service in 1977. In 1999, William Ryan died in the VA nursing home in Baltimore, 3 years after his wife, Pat's mother, Rosemary Ann Kelly Ryan, had passed away.

Pat Ryan has spent his entire career in Congress defending the same values his father defended on the battlefield and in the courtroom. These are the same values that Pat and his wife Kathie have taught their children through their words and their example.

Mr. Speaker, on behalf of his colleagues in the House, members of the Committee on Veterans' Affairs and other Members who have known and worked with him, on behalf of veterans organizations and leaders across the country, and on behalf of millions of veterans who have benefited from his work, but have never known his name, I want to thank Patrick Ryan for a distinguished career of faithful public service. It has been an honor to work with him.

I call on all of my colleagues to join with me in honoring Patrick Ryan on his retirement and to wish him good luck and Godspeed in whatever lies ahead of him.

RECOGNITION OF CAROL WALTER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PALLONE. Mr. Speaker, I rise today to praise an extraordinary woman, Ms. Carole Walter. Ms. Walter's talent and love for culinary arts have translated into several best selling and highly regarded books, as well as accolades.

Her background goes beyond cooking. Over the years, she has established herself as a respected and highly-regarded cookbook author, baker, baking instructor, chocolatier and consultant. Ms. Walter's most recent published cookbook, Great Cookies, won the IACP award in the category of Best Baking. In addition, her book, Great Pies and Tarts, was a finalist in the Julia Child Cookbook Awards, and Great Cakes earned Ms. Walter a James Beard Foundation Award.

Throughout her 20-year career, Ms. Walter has exhibited incredible commitment to the culinary arts. Currently, she serves as a trustee of the New York Association of Culinary Professionals and a Certified Culinary Professional in the International Association of Culinary Professionals. In addition, she has chosen to share her enthusiasm for baking by establishing the Scholarship Fund for the NYACP. Mr. Frank Garofolo, President of NYACP has said of Carole, ''(She) is a dedicated culinary professional who works tirelessly to promote the culinary arts. Her dedication to helping provide opportunities for young people to enter the profession is boundless.'' It comes as no surprise that Sickles Market has named Ms. Walter as the first Honoree for their 2004 Wine and Cheese Fundraiser and Apple Baking Contest.

Once again, I ask my colleagues to join me in congratulating Ms. Walter on an accomplished career and for the instrumental role she has played in the culinary arts. She is truly deserving of the acknowledgment from Sickles Market.

IN HONOR OF RICHARD SCAGLIOTTI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Richard Scagliotti, whose lifelong dedication to San Benito County consists of many volunteer and local government positions. Richard will be stepping down as the San Benito County Supervisor for District 1, where he has served for 16 years.

Following in the footsteps of his father, who served San Benito County in the early sixties, Richard has served nearly his entire public career on the San Benito County Council of Governments and the Local Agency Formation Commission. In addition to his work with the San Benito Board of Supervisors, Richard has served on the Veteran's Memorial Park commission, the Local Transportation Authority, the Inter-Governmental Committee and many other local government groups. One of his proudest accomplishments was the establishment of the Pajaro River Watershed Flood Control Commission in 2000, and has served on the Commission ever since.

Mr. Speaker, I wish to congratulate Richard on his long and honorable career and thank him for his contribution to our society. Richard has consistently gone above and beyond the roles bestowed upon him, and has left a legacy of community leadership. I wish him all the luck in his future endeavors.

CONGRATULATING MR. KEITH PALMER ON RECEIPT OF THE LILLIAN C. MCGOWIN OUTSTANDING CORPORATE CITIZEN AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Keith Palmer, President of Palmer's Toyota Superstore in Mobile, Alabama, on the occasion of his being honored with the Lillian C. McGowin Outstanding Corporate Citizen Award.

This annual award is presented by the Alabama Gulf Coast Chapter of the Association of Fundraising Professionals. The local chapter of AFP represents nearly fifty fundraisers in the Alabama Gulf Coast region and encourages the growth and development of professional fundraisers, as well as promoting the maintaining of high ethical standards in this profession.

Keith Palmer and the employees of Palmer's Toyota are certainly quite deserving of this recognition, having been extremely involved in the life of the Mobile community for many years. For many years, they have championed numerous community assistance, educational, and non profit organizations in south Alabama, all of which have been the beneficiary of his efforts and those of his fellow fundraisers. These groups include the Child Advocacy Center, the Ronald McDonald Houses of Mobile and Pensacola (Florida), the Boy Scouts of America, Baker High School, the Fellowship of Christian Athletes, Semmes (Alabama) Dixie Youth Baseball, and Tanner Williams School.

The Gulf Coast AFP Chapter undoubtedly received numerous worthy nominations for men and women from throughout Mobile who in their own way also make significant contributions to their friends and neighbors on a daily basis. I am certain it is difficult to make the final selection for this award, but as in the past, this year's winner has shown a tremendous level of community support and charitable giving. Many in Mobile can personally attest to Keith's deep concern for his neighbors and for so many in Mobile who have benefited from his and his employees' tremendous generosity.

Mr. Speaker, I can think of no higher praise than that received from professional colleagues, and this award is certainly strong testimony to the esteem in which Keith Palmer is held by so many in Mobile. Along with his many family, friends, and colleagues throughout south Alabama, I wish to extend to him my warmest congratulations on the receipt of the Lillian C. McGowin Outstanding Corporate Citizen Award.

THE RETIREMENT OF CHUCK SMITH

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise this morning to recognize a very good friend of mine, Mr. Chuck Smith, a retiring member of the Orange County Board of Supervisors—and a man whose heart is dedicated to the community of Orange County.

In 1978, Mr. Smith was on the Westminster Planning Commission, and served during a time of great business expansion in Orange County. He played an instrumental role in building the Little Saigon District. Between 1984 and 1996, Mr. Smith served on the Westminster City Council and was elected Mayor for four 2-year terms.

In addition to serving the local city, Mr. Smith serves the Orange County community at large. In 1998 and in 2000, he was also elected to serve as chairman of the board of supervisors by his colleagues.

Mr. Smith recognizes the needs of the community. Loyal to public transportation efforts, he served as chairman of the Orange County Transportation Authority, and continues to represent the following agencies: The Southern California Regional Railroad Authority, and the Southern California Regional Airport Authority, dedicated to making transportation safe and reliable to all of Orange County.

Mr. Speaker, Mr. Chuck Smith will be missed by countless individuals whose lives he touched with his boundless enthusiasm and passion for helping others. I wish to recognize his accomplishments and contribution, and I wish him the best of luck in his future endeavors.

RECOGNIZING THE 60TH ANNIVERSARY OF THE BATTLE OF THE BULGE DURING WORLD WAR II

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2004

Mr. HASTINGS of Florida. Mr. Speaker, this year marks the 60th anniversary of the Battle of the Bulge during World War II, and I rise today in recognition of this courageous and crucial battle, fought by our brave soldiers more than half a century ago.

On December 16, 1944, during the coldest, snowiest weather ''in memory'' in the Ardennes Forest on the German/Belgium border, the German War Machine started their infamous ''Ardennes Offensive.'' Even though the German Offensive achieved total surprise, nowhere did the American troops give ground without a determined fight. Within 3 days, the unwavering American stand and the arrival of dominant reinforcements insured that the German goal was far beyond reach. In all, 19,000 American soldiers perished during this momentous battle.

The soldiers often fought in zero-temperature conditions and driving snow, which prevented them from seeing more than 10 yards in front of them. With equipment and uniforms that were designed for warmer times, frostbite became a terrible reality and a frequent occurrence. Because soldiers were often cut off from their divisions in foxholes, the wounded, in some cases, literally froze to death. To this day, our soldiers' sacrifice remains immeasurable.

The Battle of the Bulge ended in the last few days of January 1945, when American troops made their way back to the original lines. But for many of our brave veterans this terrible battle has never ended.

I stand here today in recognition of the sacrifice and commitment of our brave veterans. After 60 years, our gratitude could never be put into words, although our determination to provide them with full recognition of their service remains everlasting.

Mr. Speaker, on the 60th anniversary of the Battle of the Bulge, I am honored to recognize the service and gallantry of our veterans who fought in this epic battle.

DEMOCRATIZATION IN CENTRAL ASIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SMITH of New Jersey. Mr. Speaker, as the 108th Congress comes to an end, I want to make some observations about democratization in Central Asia, an energy-rich and geo-strategically important region. All these states are ruled by secular leaders who cooperate with Washington against terrorists. There are U.S. bases in Uzbekistan and Kyrgyzstan, to help promote stabilization in Afghanistan. This collaboration benefits us, as well as Central Asian presidents, and should certainly continue. But unfortunately, these countries are some of the worst human rights violators in the OSCE space. Everywhere in the region, super-presidents dominate the political arena, with parliaments and judicial systems dependent on the executive branch. Media are under heavy government pressure; in Uzbekistan and Turkmenistan, Soviet-era censorship continues in force. Equally characteristic of Central Asian states is corruption, which has not only enriched the ruling families and the favored few at the top but has impeded the development of free media and independent courts.

True, much of this characterization could be said about all the post-Soviet states to some degree, including Russia. But it is important to point out that there is a counter, or competing tendency in the region, exemplified by Georgia's Rose Revolution of a year ago. While Georgia has a long way to go, there is no doubt about the legitimacy or popularity of its leader, President Mikheil Saakashvili. Also the peaceful protest movement he led to overturn the results of a rigged election has emboldened opposition activists throughout the former Soviet Union to believe that society may yet be able to have a voice in who governs and how.

Central Asian leaders were quick to claim that circumstances in Georgia were so different from their own that no parallels were possible. Still, the Georgian example sent shivers down their spines. That is one reason why the elections in Central Asia that have taken place this year have been, as they were in the past, carefully controlled, with predictable outcomes.

Uzbekistan, for example, is holding parliamentary election in December. No opposition parties have been allowed to operate in Uzbekistan since 1992–1993. Despite pressure from Washington, Tashkent refused to register opposition parties this year, leaving only five pro-government parties to participate. Moreover, Uzbek authorities have contrived to keep opposition candidates from registering in single mandate races—even though officials told the U.S. Delegation to the OSCE Human Dimension Implementation Review Meeting in Warsaw in October that opposition candidates would be able to run. The result is obvious in advance: another pro-government, pocket parliament, with no dissenting voices and no capacity to perform any oversight of the executive branch. It should be noted that there have been several outbursts of popular dissatisfaction in Uzbekistan in the last few months; President Islam Karimov's tightly-run political system may be less stable than many suppose.

In neighboring, oil-rich Kazakhstan, opposition parties are registered and were able to compete in September's parliamentary election. Kazakhstan had previously expressed its desire to become OSCE Chairman-in-Office in 2009, and many observers linked Kazakhstan's chances to a good grade on the parliamentary election. But the assessment of OSCE and Council of Europe monitors—citing numerous infractions and an uneven playing field for pro-government parties and the opposition—was critical. Kazakhstan's chances of winning the OSCE Chairmanship have clearly diminished. At the same time, President Nursultan Nazarbaev—who is under investigation for corruption by the U.S. Department of Justice—has announced his intention to run, yet again, for reelection in 2006. Some commentators speculate that he may hold snap elections next year, to keep his opposition off guard. Should he win and serve out another seven-year term, he will have been in office almost 25 years.

Obviously, Mr. Speaker, Central Asian leaders do not find the responsibilities of the presidency too burdensome: Tajikistan's President Imomaly Rakhmonov last year orchestrated a referendum on constitutional changes that could allow him to remain in office until 2020. True, Tajikistan is the only country in Central Asia where Islamic political activism is tolerated. We await with interest the parliamentary elections, in which opposition and Islamic parties will participate, scheduled for next February.

As for Turkmenistan, one of the most repressive countries on earth, I'm pleased to note that freedom of religion advanced a bit. The government of President Saparmurat Niyazov took some steps to liberalize the process of registration for confessions—instead of 500 adult members per locality, now only five nationwide are needed to register a community. For years, only Sunni Islam and Russian Orthodoxy were legal; now Ashgabat has registered Baptists, Adventists, Hare Krishna's, and Baha'is. Moreover, the authorities released six Jehovah's Witnesses, although two others remain jailed along with the former grand mufti. These steps—taken under Western and especially U.S. pressure, but which we welcome nonetheless—allowed Turkmenistan to escape designation by the U.S. Government as a Country of Particular Concern this past year. However, troubling reports continue to emerge about limitations on religious freedom and harassment of registered and unregistered religious communities. We must continue to monitor the situation closely and encourage Turkmenistan to continue moving forward with reforms, as even the improved situation is far from meeting OSCE standards on religious freedom.

In all other respects, however, democratization has made no progress. Turkmenistan remains the only one-party state in the former Soviet bloc and Niyazov's cult of personality continues unabated. Recently, he tried to discuss holding presidential elections in 2008. But in a farcical scene, the assembled officials and dignitaries refused to hear of it. They ''insisted'' that Niyazov remain Turkmenistan's leader in perpetuity; he, duly humbled by their adulation, took the issue off the table.

This brings us to Kyrgyzstan, in many ways the most intriguing of the Central Asian states. Of all the region's leaders, only President Askar Akaev, who has held office for almost 15 years, has announced his intention not to run next year for reelection—though he has phrased the pledge carefully if he changes his mind. Kyrgyzstan is also the only Central Asian country where a large-scale protest movement has ever seemed poised to force a Head of State out of office: in summer 2002, thousands of people furious about the shootings of demonstrators in a southern district blocked the country's main road, and threatened a mass march on the capital, Bishkek. Ultimately, the movement petered out but the precedent of public activism was set.

President Akaev's stated intention not to run again, the upcoming parliamentary (February 2005) and presidential (October 2005) elections and Kyrgyzstan's history of protest movements make for an interesting situation. In the next few months, Akaev must make

fateful decisions: the most important is whether or not to run again. If he chooses to stay in office for another term, he risks sparking demonstrations. Though Kyrgyzstan is not Georgia, something akin to a Rose Revolution should not be excluded as a possible scenario. If Akaev opts to step down, however, we should not expect that he, his family and entourage would permit free and fair elections. More likely, he will try to select a successor—as Boris Yeltsin did with Vladimir Putin in Russia—and act to ensure his victory. But that course, too, could lead to protests.

Any decision Akaev makes—with intrusive, anxious neighbors looking over his shoulder—is risky and might have resonance beyond Kyrgyzstan's borders. For that reason, the elections in Kyrgyzstan next year are of great interest not only to the voters of that country but to capitals near and far. Mr. Speaker, I hope to be able to report to this chamber next year that democratization has made strides in Central Asia.

HONORING THE 65TH ANNIVERSARY OF THE RUTH HYMAN JEWISH COMMUNITY CENTER OF GREATER MONMOUTH COUNTY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PALLONE. Mr. Speaker, I rise today to recognize the outstanding achievements of the Ruth Hyman Jewish Community Center of Greater Monmouth County, located in my Congressional district in Deal, New Jersey. I would like to congratulate the center and its supporters on 65 years of exemplary service to the Jewish community of Monmouth County.

Since its founding in 1939 in Long Branch, my hometown, the Jewish Community Center of Greater Monmouth County has served as a crucial hub for the surrounding Jewish community. In 1960, the Center purchased a plot of land in Deal and over the next 11 years, the Center and its leadership worked to raise funds and construct a new facility.

The Ruth Hyman Center is commemorating its 65th anniversary at a celebration this weekend. The Center is taking this opportunity to recognize the great contributions of their leaders, past and present, for their dedication to strengthening the community and expanding the Center. I would like to specifically acknowledge the contributions of Dr. Larry Karasic, Judge Ira Kreizman, Leon Katz, Patti Blume, Dr. Fred Ezon, Donald Epstein, and past Chairman of the Board Emanuel Mullen that are being honored at this weekend's event.

This weekend, the Center will also dedicate the Stanley Benn Swimming Pool and the Lillian and Ken Cayre Youth Center. I commend the Center and all the capital campaign donors on these important additions.

Mr. Speaker, I am honored to recognize the vast achievements and continued service of the Center. Once again, I congratulate the Ruth Hyman Jewish Community Center of Greater Monmouth County on its 65th anniversary and I wish them the best of luck in all your future endeavors.

IN HONOR OF BOB CRUZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Bob Cruz, whose lifelong dedication to San Benito County consists of many volunteer and local government positions. Bob will be stepping down as the San Benito Supervisor for District 5, where he has served for 8 years.

Born and raised in San Benito County, Bob has been a strong advocate for affordable housing in the community and has been instrumental in the construction of 58 affordable homes in our community. In addition to serving on the County Board of Supervisors, which he chaired for two years, he has also served as Director and Chair of the Monterey Bay Unified Air Pollution Control District Board. Furthermore, he was the first Supervisor in San Benito to sit on the Children's and Families First Commission, and he immediately took an active interest in establishing this commission and working towards ensuring that early childhood development programs and services are continuously available for children until they begin kindergarten.

In addition, Bob has served on the Mental Health Advisory board, the Building/Expansion Committee, the Treasury Oversight Committee and nearly a dozen other local government commissions. Working beyond his posts in the local government, Bob also oversaw the creation of YMCA programs throughout the County.

Mr. Speaker, I wish to congratulate Bob on his long and honorable career and thank him for his contribution to our society. Bob has consistently gone above and beyond the roles bestowed upon him, and has left a legacy of community leadership. I wish him all the luck in his future endeavors.

CONGRATULATING THE HONORABLE H.L. ''SONNY'' CALLAHAN ON RECEIPT OF THE MOBILE BAY AREA VETERANS DAY COMMISSION'S PATRIOT OF THE YEAR AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to pay tribute to former Congressman Sonny Callahan on the occasion of his being honored by the Mobile Bay Area Veterans Day Commission with its Patriot of the Year Award.

Congressman Callahan is certainly no stranger to many in this chamber. For 18 years, he served as the representative of Alabama's First Congressional District, during which time he established a level of public service second to none. During his nine terms in the House of Representatives, he worked tirelessly on behalf of the residents of south Alabama, ensuring that their needs and concerns were heard and that their individual problems received the attention they deserved. He displayed a tireless dedication to all citizens of the First District who, in turn, demonstrated their confidence in his abilities by returning him to Washington, D.C., time and again for almost twenty years.

At the national level, Congressman Callahan was one of the most effective and well-liked members to ever serve in the House. A strong believer in responsive and responsible government, he was very conscious of the necessity to work with members from both sides of the aisle and was a master at forging alliances with colleagues regardless of party affiliation. From 1994 to 2000, he served as the Chairman of the House Appropriations Committee's Subcommittee on Foreign Operations, Export Financing, and Related Programs. For the following two years, he served as Chairman of the Appropriations Committee's Energy and Water Subcommittee. In both positions, he brought both a deliberative approach and a desire for consensus-building to his committees. His strong leadership skills and his desire to work in unison with his colleagues engendered a great level of devotion and praise among the men and women with whom he served.

More than anything else, however, the Patriot of the Year Award is a tribute to Congressman Callahan's efforts on behalf of the veterans in his district. Having served in the United States Navy during the Korean War, he has for many years been keenly aware of the many challenges facing men and women who have served and continue to serve in the armed forces of the United States. Many thousands of Alabamians who devoted large parts of their lives in service to their country could always count on Sonny to provide a voice for them in agencies where they would otherwise have not been heard, and support for them when they had nowhere else to turn.

Mr. Speaker, I can think of no higher honor that could be bestowed on a man whom I not only consider to be tremendous congressman and mentor, but a close personal friend. Along with his family—his wife, Karen, his sons, Scott, Chris, and Patrick, and his daughters, Shawn and Kelly—and his many friends and former colleagues, I wish to extend to Congressman Sonny Callahan my warmest congratulations on receiving the Mobile Bay Area Veterans Day Commission's Patriot of the Year Award.

SAVING THE ANAHEIM ANGELS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in strong support of the city of Anaheim and its quest to save the Anaheim Angels.

While I completely understand the team's desire to garner more TV attention and more marketing dollars, there must be another way besides changing the name to the Los Angeles Angels.

What's in a name? Well, how about a 2002 World Series Championship. The Anaheim Angels won the team its first national title.

Secondly, and more importantly, it's part of the deal. In 1997, the Angels and the city of Anaheim made an agreement, and naming the team the Anaheim Angels was part of that agreement. To change the name would not

only be a breach of faith with the people of Anaheim and all Angels fans, it would be a breach of contract.

The Anaheim Council is against the name change. The Los Angeles Council is against the name change. The people have spoken. Don't change the name of a champion. Save the Anaheim Angels.

HONORING TERESE McDONALD'S SERVICE TO HOUSE SCIENCE COMMITTEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. GORDON. Mr. Speaker, I rise today to let my colleagues know that Terese McDonald, the longest serving Democratic staff member in the history of the Committee on Science, has announced her retirement at the end of this Congress.

Terese came to the committee in the 94th Congress when Olin ''Tiger'' Teague was the committee's chairman, and for almost 30 years, she has carried out her duties during the tenure of seven different chairmen and eight different ranking minority members. For most of this period, Terese has served on the full committee Democratic staff and has worked on administrative, investigative and legislative matters. For instance, when the committee decided to do a sweeping, year-long review of U.S. science policy in the 1980s, Terese was selected to serve on that staff.

In recent years, Terese has reported directly to the committee's Democratic Chief of Staff and, among her many duties, has maintained the committee's records. Quick to blush, Terese is famous for her even temperament, her sense of humor and her willingness to help out all who need her services. These fine qualities continued to shine through Terese's demeanor even during an incredibly trying period last year when the home she shares with her husband, Paul, was washed away by Hurricane Isabel.

Terese is an important part of the committee's corporate memory. Her experience, knowledge and warm smile will be impossible to replace. The Science Committee's Members and staff wish Terese and her family well as she moves on to new endeavors. Thank you, Terese, for your many years of dedicated service. We will miss your service.

HONORING THE TURTLE CREEK CHORALE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FROST. Mr. Speaker I rise to recognize the 25th anniversary season of the Turtle Creek Chorale, of Dallas, TX. Since its inception in February 1980, TCC has entertained, educated, united, and uplifted their audiences through music that is distinguished for its innovation, diversity and artistic excellence.

Under the direction of Dr. Timothy Seelig, this all male 225 member chorus continues to perform an annual subscription series in Dallas at the Meyerson Symphony Hall. Additionally by their constant commitment to musical excellence they have had the distinguished opportunity to perform in numerous venues including New York City's Carnegie Hall, Canada, and throughout Europe.

The Turtle Creek Chorale has continually supported a diverse cross section of the Dallas community through it's outreach programs which include benefit performances, complimentary concert tickets and choral education programs for persons living with and affected by HIV/AIDS, gay/lesbian youth, senior citizens, and school and church choral programs. The Chorale is also responsible for the groundbreaking breast cancer awareness program, ''Sing for the Cure.''

Their continual support from the Dallas business, artistic and spiritual communities, along with private contributions have allowed them to touch and change many lives in a nurturing and affirming environment through the universal and unifying power of music.

Mr. Speaker, please join me in recognizing the valuable contribution that the Turtle Creek Chorale has made over the past 25 years and will continue to make for many years to come.

HONORING THE ACCOMPLISHMENTS OF DR. MARION BERGMAN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ISRAEL. Speaker, I rise today to honor Dr. Marion Bergman, a pulmonologist and an attending physician at Brookhaven Memorial Hospital, and recipient of the hospital's 2004 Dr. Jacob Dranitzke Award.

Dr. Bergman was born in South Africa while the oppressive doctrine of apartheid was still in place. During her childhood she witnessed countless acts of racism and discrimination, acts that had a profound impact on her. While still young, Dr. Bergman began what would become a lifelong commitment to service when she began working in the severely poor area of South Africa called Soweto. The training she received there has affected her life's work in numerous ways—including a passion for an equitable heath care system.

Dr. Bergman is now a highly esteemed pulmonologist and attending physician at Brookhaven Memorial Hospital where she has served with great distinction for over two decades. During her tenure, Dr. Bergman has served as Medical Director of Respiratory Care Services and, for a period, as president of the hospital. Dr. Bergman provides essential mentoring services to medical students, who she invariably instills with her dedication to excellence and giving. While carrying out this challenging career, Dr. Bergman has simultaneously worked towards a master's degree in public health from the Wagner School at New York University, raised two wonderful sons and contributed extensively to her community.

Specifically, Dr. Bergman serves as a member of the Board of Directors of the Medical Education for the South African Blacks charity therefore maintaining a strong link to her past. This nonprofit group is a fundraising organization that provides South Africans with a chance at higher-level education. Furthermore, Dr. Bergman is an active member of the International Women's Health coalition and recently traveled to Nigeria as part of this coalition. Finally, Dr. Bergman serves on the Executive Committee of the Long Island Chapter of the American Jewish Committee.

Dr. Bergman is being awarded the prestigious Dr. Jacob Dranitzke Award. Dr. Dranitzke was a child immigrant from Russia who went on to become a committed doctor on Long Island and served the Patchogue community with great distinction. Dr. Dranitzke was a founding member of the Brookhaven Memorial Hospital and served as the hospital's first chief of surgery.

Dr. Bergman has followed in the footsteps of Dr. Dranitzke with her unparalleled level of service to peers, to Brookhaven Memorial Hospital, and to her community. I wholeheartedly congratulate her on her remarkable achievements among which she can now include the presentation of this award, an award that could not be given to a more deserving person. Dr. Bergman is a leader in our community and in every community she enters.

IN RECOGNITION OF LEROY HERBERT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to LeRoy Herbert, a distinguished gentleman from my district, who is being honored by the Monmouth Medical Center Foundation, as they celebrate their Thirty-Third Annual Crystal Ball.

LeRoy traces his roots to Long Branch where he was born, raised and educated. He graduated from the University of Maryland in 1950 and joined the accounting firm Ernst & Ernst in New York City. He was admitted into the partnership in 1963 and subsequently transferred to Europe. In Europe, Herbert lived in London and Paris where his interest and enthusiasm for hospitals and philanthropy was sparked when he became involved with the American Hospital of Paris after learning that Americans were admitted to the facility regardless of their economic status.

LeRoy's ties to the Monmouth Medical Center began in the early 1970s, when his mother, Edna, was a patient of surgeon Charles Zukaukas, M.D., and internist John Stockfish, M.D. Herbert made his first charitable gift to the Medical Center in honor of the two physicians to express his gratitude for the excellent care she received. Soon after, LeRoy made an additional gift to name the hospital's Surgical Intensive Care Unit in honor of his mother.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing, LeRoy Herbert, as the Monmouth Medical Center Foundation honors him for his dedication and commitment to the Medical Center.

IN SUPPORT OF THE DEMOCRATIC PROPOSAL TO RESTORE FISCAL SANITY BY REINSTATING PAYGO REQUIREMENTS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FARR. Mr. Speaker, last night Congress voted to increase the public debt limit by an additional $800 billion to an astronomical $8.18 trillion. Simply put, this is morally indefensible.

Every time we increase the debt ceiling and allow more money to be tacked onto the public debt, the U.S. government is saddling our grandchildren and their grandchildren with an economic legacy that virtually assures economic stagnation in their lifetime. The Republican leadership will hide behind the war on terror or the recession to mask the dire straits of our economy. But the truth is much more damning. The fundamental reason for the spike in the national debt is the unprecedented pace of Republican tax cuts that have occurred since 2001. Recently, the Congressional Budget Office confirmed that tax cuts are responsible for nearly 60 percent of the budget deficit.

We must return to the fiscal responsibility of the Clinton era where we had the political will to make hard, but responsible fiscal policy choices that resulted in the most robust economy in recent history. Moreover, from 1998 through 2000, with President Clinton in the White House, the government reduced debt held by the public, paying off $363 billion. Even in the first year of the Bush Administration, in 2001, under budget policies put in place by the Clinton Administration, the debt came down by another $90 billion.

One of the ways that we established fiscal sanity in the 1990s was the use of the pay-as you-go (PAYGO) budget enforcement rules. This practice helped Congress control spending and acted as a reminder that Congress needed to balance the government's checkbook, no matter whether it was tax cuts or increased spending on domestic programs.

In their overzealous attempts to cut taxes, especially for the highest 1 percent of wage earners—those earning $400,000 and more, the Republican leadership has blatantly ignored the common sense logic of the PAYGO rules. They have added literally billions and billions of dollars to our deficit and, for that reason, the Congress is forced to raise the debt ceiling to avoid shutting down the federal government.

I am deeply troubled that the President of the United States fails to understand or appreciate the financial burden he is imposing on middle income Americans, many of whom reside in ''Red States'' and supported his reelection. During the campaign season, the President promised to make permanent the 2001 and 2003 tax cuts that are scheduled to expire in 2010. This action will cost $1.1 trillion from 2010 through 2014, and even more in the years to follow. Continuing tax cuts permanently will significantly worsen the deficit after 2009, which make a mockery of the President's vow to cut the deficit in half in 2009.

To return to economic prosperity and fiscal sanity, we need to reinstate PAYGO rules as a first step, restore balance between our defense security needs and our domestic security needs, and adopt tax policy that benefits middle income taxpayers and creates jobs. I urge our Republican leadership to chart a new economic course for our country so that the United States of America remains the land of prosperity for ''We the People.''

RECOGNIZING HOUSE AND GARDEN TELEVISION ON 10TH ANNIVERSARY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. DUNCAN. Mr. Speaker, I rise today to recognize Home & Garden Television on the occasion of its tenth anniversary. I am proud to say that HGTV calls Knoxville, Tennessee, home.

HGTV was born of humble beginnings in East Tennessee and over the years has grown to be one of the most successful cable networks in existence today. It is one of four networks owned by the E.W. Scripps Company.

Ross Bagwell, Sr., a television production innovator, created the network that would become HGTV. A creative genius, he started Cinetel Productions in 1973 and produced many different shows. In 1994, Mr. Bagwell sold Cinetel to the Scripps Company, and soon after, HGTV was born.

The E.W. Scripps Company President and CEO Kenneth Lowe, the founder of HGTV, led the network to an explosion in popularity. Ken spurred the creation of the Scripps Networks division and played an instrumental role in the development of Scripps' other networks, the Food Network, Do It Yourself (DIY), and Fine Living.

Scripps Networks is a great corporate citizen in my District and a large employer of a skilled and creative workforce.

Mr. Speaker, I want to congratulate Ken Lowe and all of the employees of Scripps Networks and especially HGTV on the occasion of its tenth anniversary. Our Country would be a much better place today if there were more good corporate citizens here like the E.W. Scripps Company.

IN HONOR OF DON KYZER'S RETIREMENT FROM THE YMCA

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SESSIONS. Mr. Speaker, I join my colleagues in honoring Don Kyzer's retirement from the YMCA after his lengthy service to young people across the country.

For the past several years, I have been honored to serve as the Congressional sponsor for the YMCA Youth Governor's Conference. The YMCA Youth Governor's Conference brings together some of the most outstanding youth leaders in America. YMCA Youth and Government is a nation-wide program that allows thousands of teenagers to simulate state and national government. Kyzer has played a pivotal role in making the conference a rewarding experience for the hundreds of youth leaders that he has personally mentored. From 1991 to 1997, Don served as the director for the conference and has left a lasting legacy with those who have benefited from his tireless efforts.

In addition to the Youth Governor's Conference, Kyzer has been distinguished by a number of organizations. He has been awarded the John R. Fisher Service to Youth Award, Distinguished Service Award from the YMCA International Management Council, Florida Association of Professional YMCA Directors Program Director of the Year Award, Paul Grist Service to Youth Award, and was runner-up for the Florida State Teacher of the Year Award.

I congratulate the Kyzer family on this momentous occasion, and wish him all the best for a well-earned retirement.

WASHINGTON POST GARNERS BIAS AWARD

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SMITH of Texas. Mr. Speaker, CIA Director Porter Goss is the latest Bush administration official to encounter the media bias Americans know well: the use of anonymous sources to level partisan charges.

It was on display in a front page Washington Post story this week.

It quoted four former CIA officials, none of whom was mentioned by name.

The frequent use of anonymous sources is part of the media's institutional problem.

When anonymous sources are used it is too easy for disgruntled former employees or others to settle scores.

It is also contrary to journalistic standards and ethics.

In fact, the Washington Post editorial page has called for an overhaul of the CIA in light of the September 11, 2001 attacks.

Director Goss is doing exactly what is needed to reform and restructure the CIA.

For writing a story that quoted anonymous sources and placing it on the front page, this week's Media Bias Award goes to the Washington Post.

IN RECOGNITION OF THE CHIAN FEDERATION ON THE OCCASION OF ITS 30TH ANNIVERSARY AND 27TH HOMERIC AWARD GALA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Chian Federation, on the occasion of its 30th anniversary. Since its founding in 1974, the Chian Federation has educated and empowered the Hellenic American community to exercise their rights and fulfill their obligations as American citizens. The Chian Federation has a strong record of advocating human rights and striving to promote democratic ideals. The members of the board of this outstanding organization are: Alexandros

Doulis, President, Stavros Haviaras, Executive Vice President, Mike Frezoulis, First Vice President, John Monogioudis, Second Vice President George Arnitsis, Executive Secretary, Kalliopi Volikas-Theodoropoulos, General Secretary, Nikolaos Papagiannakis, CFO, John Stoupakis, Treasurer, Kostas Potamousis, Assistant Treasurer, and Elsa Tsartsidou, Director of the Federation's Cultural Center. In addition to its political objectives, the organization takes pride in its dance group, cultural events, website, magazine, business card exchanges, food, clothing and toy drives, Senior Citizens' breakfast and lectures on topics ranging from archaeology to health care.

The Federation's accomplishments extend beyond the borders of the United States. On Chios, The Chian Federation has financially aided nursing homes, environmental groups for reforestation of the island, the Korais Library and the Office of the Repatriated Chians Organization, in addition to making substantial donations to the educational and health systems of Chios.

In 1977, the Chian Federation established the Homeric Award to recognize individuals who have made exceptional contributions to the Hellenic community. This year's Homeric Award recipient is Stamatios M. ''Tom'' Krimigis. The former Head of the Space Department of The Johns Hopkins University Applied Physics Laboratory, Dr. Krimigis' research interests include the earth's environment and magnetosphere; the sun; the interplanetary medium; and the magnetospheres of the planets and other astrophysical objects. He has been Principal Investigator or Co-Investigator on several NASA space missions, including the Low Energy Charged Particle Experiment on Voyagers 1 and 2 and the Active Magnetospheric Particle Tracer Explorer, a collaborative program that created the first man-made comet on December 27, 1984.

Dr. Krimigis is the author of more than 370 academic papers; was awarded the NASA Medal for Exceptional Scientific Achievement in 1981 and 1986; and has received more than thirty NASA Group Achievement Awards for his work on the Voyager, AMPTE, Galileo, Ulysses, Cassini, and ACE projects. Dr. Krimigis has also been a member of the National Academy of Sciences' Space Science Board; Chairman of the Board's Committee on Solar and Space Physics; a member of NASA's Space Science and Applications Advisory Committees; a Fellow of the American Geophysical Union, the American Physical Society, and the American Association for the Advancement of Science; an Associate Fellow of the American Institute of Aeronautics and Astronautics; and trustee of the International Academy of Astronautics. He received the International Academy of Astronautics Basic Sciences Award and the AHEPA Academy Prize, both in 1994. At the World Space Congress in 2002, he was presented with the COSPAR Space Science Award, the highest honor that the worldwide space science community can bestow. In November 2004, he was presented with the Johns Hopkins Applied Physics Laboratory Lifetime Achievement Award. He has participated as member or Chairman in many national and international conferences in space science and space systems management, has delivered more than 1,100 talks on these topics, and has lectured in major conferences and National Academies in all five continents. The International Astronomical Union in 1999 named asteroid ''8323 Krimigis'' in his honor. The President of the Hellenic Republic awarded Dr. Krimigis the Gold Cross ''Commandeur de l' Ordre du Phoénix'' in 1997. Also, the American Hellenic Institute honored him with its ''Hellenic Heritage Achievement Award'' in Washington in 1998.

Dr. Krimigis has often testified before Congressional Committees on issues of Space Science and Technology and has been a member or chairman of many advisory committees for the U.S. government. He is often quoted in national and international media on space science and technology issues, most recently on the Voyager crossing of the heliospheric termination shock and the Cassini orbits of Saturn. His work on Voyager has been featured as front-page news in the New York Times three times and has appeared in many other newspapers and magazines throughout the world. He is listed in Who's Who in America, Who's Who in the World, Who's Who in Frontiers of Science and Technology, Who's Who in Technology Today, Personalities of America, American Men and Women of Science, Men of Achievement, International Who's Who of Contemporary Achievement and the Dictionary of International Biography.

Dr. Krimigis is truly a man ''axios'' (worthy) of the Homeric Award and I offer him my best wishes for many more years of outstanding achievements.

I ask my colleges to join me recognizing the Chian Federation and its honoree, Dr. Tom Krimigis.

PERSONAL EXPLANATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MATSUI. Mr. Speaker, I was unable to be present for votes last night. Had I been present, I would have voted: ''yes'' on rollcall No. 534; ''yes'' on rollcall No. 535; ''no'' on rollcall No. 536.

ST. ELIJAH SERBIAN ORTHODOX CATHEDRAL'S 40TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate St. Elijah Serbian Orthodox Cathedral as they join together in the celebration of their 40th anniversary. They will be celebrating this very momentous and special occasion on Saturday, November 20, 2004.

The Serbian Orthodox Cathedral of St. Elijah the Prophet is comprised of faithful descendants who came from many parts of the world such as Hercegovina, Bosnia, Lika, Banat, Dalmatia, and Serbia. Some also came from sections of America and Canada. The thriving steel mills offered ready employment. For many descendants, their relatives, friends, and acquaintances were already located in Northwest Indiana. Each soul believed that Eastern Orthodoxy and the Serbian Orthodox Church, as well as the continuance of their Patronal Feast ''Krsna Slava,'' was a priceless inheritance and worthy of great sacrifice. They gathered together under the banner and intercessions of St. Elijah the Prophet, with faith in God Almighty in Trinity to found a church-school congregation in Merrillville, Indiana.

St. Elijah Serbian Orthodox Cathedral is led in its faith by the Very Reverend Archpriest Lazar Kostur. In 1986, Protopresbyter Stavrofor George Lazich, retired, and the St. Elijah Cathedral Church Congregation elected Father Lazar to the status of permanent parish priest. On November 5, 1989 he was elevated to the dignity of an Archpriest by Bishop Mitrophan. Father Lazar, along with his wife, Protinica Mira and their beautiful children has served the Serbian Orthodox Church faithfully. The proud parishioners are thankful for the spiritual and emotional leadership he has provided during the years since his ordination.

His Eminence Metropolitan Christopher, His Grace Bishop Longin, His Grace Bishop Mitrophan, and His Grace Bishop Peter have all been invited along with clergy of the Gracanica Diocese and Midwestern Metropolitanate. St. Elijah Cathedral Choir will sing the responses in the church. Hieromonk Irinej Dobrijevic of Belgrade, Serbia, and consultant to the Holy Assembly of Bishops will be the featured speaker. The celebration will include performances by the St. Elijah ''Frula'' Folklore Group, St. Elijah Cathedral Choir and the Czar Lazar Men's Choir of Pittsburgh. A dance with live music from Mladost and Drina will begin after Vespers.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating St. Elijah Serbian Orthodox Cathedral on their 40th anniversary. The members of St. Elijah have dedicated themselves to providing a spiritual and guiding light through the protection of the Serbian Orthodox faith and traditions for all of Northwest Indiana. Their constant dedication and commitment is worthy of the highest commendation.

HONORING MARGARET AVILA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. NAPOLITANO. Mr. Speaker, I rise today to honor Margaret Avila, my good friend and tireless advocate of nursing. Ms. Avila is one of California's prominent educators in the field of nursing and plans to retire on December 10th after 30 years of dedicated service to her community.

Ms. Avila has been an integral part and asset in the Congressional 38th District Health Consortium. She was the Chair of the Consortium of Health, Health Professions, and Mental Health Committees. As an educator she designed, developed, and implemented curricula for nursing students from entry level to licensed and post-graduate programs for over 15 years. She taught both nursing professionals and medical professionals at a family practice residency level.

Ms. Avila created an innovative Public Health Nursing Practice Model that completely reoriented and renewed the public health nursing practice in Los Angeles County. The

Model incorporates the concepts of Healthy People 2010, and it has been used in improving the quality and efficiency of the public health nursing practice. The creation and use of this model in one of the largest, most diverse, and dynamic settings in the country represents a tremendous advance in strengthening and expanding population-focused public health nursing. The influence of the model has extended well beyond the boundaries of California, with its adoption by the City of Detroit and the State of Michigan.

Margaret Avila provided the strategic and creative leadership for this effort. Her career path has included excellence in practice, in education, and in leadership.

Ms. Avila is a native of Los Angeles County and a product of the California educational system. She received a Diploma of Nursing from St. Vincent's College of Nursing, and a Bachelor of Science in Nursing from Mount St. Mary's College in Los Angeles. She has practiced as a staff nurse, a public health nurse, a nurse practitioner, a state nurse consultant, and an adjunct nursing faculty member. She has served as the Director of Nursing at the Los Angeles County Department of Public Health since 1999. She currently serves on the Board of the Los Angeles Chapter of the National Association of Hispanic Nurses.

Despite all of her success, Ms. Avila is never content to rest on her laurels. She has dedicated her life and knowledge to increasing opportunities for others. As a result, the Public Health Nursing Section of the American Public Health Association awarded Ms. Avila the 2004 Lillian Wald Service Award. She received this award by demonstrating initiative and resourcefulness in developing efforts to improve the health of the public through political, legislative, and interdisciplinary activism. This noteworthy achievement highlighted her leadership role in promoting social reform activities for client groups, influencing health policy and health laws, strengthening public health nursing practice, and collaborating with other health care workers, legislators, and public officials.

Margaret Avila is retiring as Director of Nursing for the Los Angeles Public Health Department. She is going into private practice and is establishing a woman's clinic in the underserved Pico Union area of Los Angeles. Her goal is to provide health access to low income women to improve their quality of life. She also plans to seek her doctorate degree.

Mr. Speaker, today I would like to personally acknowledge and commend Margaret for her dedication to the field of nursing which enriches and promotes the health of our community. She is a model of the passionate American educator, and a devoted and involved citizen. I know the rest of the House will join me in congratulating Ms. Margaret Avila and wishing her success in her future endeavors.

THE CONGREGATION ETZ AHAIM IN RECOGNITION OF 75 YEARS OF SERVICE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PALLONE. Mr. Speaker, I rise today to acknowledge Congregation Etz Ahaim, the oldest Sephardic Jewish congregation in New Jersey, as it celebrates the 350th anniversary of the founding of the Jewish community in the United States.

Etz Ahaim has been serving the Sephardic community of New Jersey for more than seventy-five years. It was founded by Jewish immigrants who named the congregation Etz Ahaim, ''Tree of Life,'' after the oldest synagogue in Salonica, Greece. Founded at the start of the Great Depression, the synagogue struggled to stay afloat. Unable to afford a rabbi, they relied on the uncompensated services of Rabbi Benjamin Naar of Salonica, and on unordained lay leaders Eliyahu Nahama and Elie Saporta until 1955.

Since then, Etz Ahaim has been lead by Rabbis Ishmael Cohen, Murray Greenfield, Rafael Wizman, David Glicksman, Yamin Levy, and, from 1991 until today, Rabbi David Bassous. It has grown since its incorporation in April of 1927 from a circle of 25 worshipping in private residences, to a small community of 75 families in a building on Richmond Street, New Brunswick, to a vibrant congregation of 155 families in Highland Park. What was once a small group, barely able to afford the mortgage on their building during the Great Depression is now a thriving community and religious center of New Jersey.

Today, Etz Ahaim is deeply involved in the Middlesex County community. They sponsor community outreach, philosophy classes, dance lessons, educational opportunities. Etz Ahaim also has an active Sisterhood as old as the congregation itself, and which just came out with a Sephardic cookbook, ''Come, es Bueno.'' On Sunday, November 7, they will be celebrating the 350th anniversary of the start of the Jewish community in the United States.

Mr. Speaker, I would like to acknowledge the profound cultural achievements of Congregation Etz Ahaim, both for the Sephardic community, and for Highland Park in general. I ask that my colleagues join me in honoring them, and their many years of service to Jewish life in the United States.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. KILPATRICK. Mr. Speaker, personal reasons require me to return to my district, and I am unable to be present for legislative business scheduled after 3 p.m., Wednesday, November 17, 2004. Had I been present, I would have voted ''aye'' on H.R. 1417, the Copyright Royalty and Distribution Reform Act of 2004 (Rollcall No. 532), and ''aye'' on S. 2302, a bill to improve access to physicians in medically underserved areas (Rollcall No. 533).

I would appreciate it if my remarks would appear in the appropriate place in the RECORD.

TRIBUTE TO CHAPLAIN (MAJOR) FLOYD L. WHITE III

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to celebrate the retirement of Chaplain (Major) Floyd L. White III from the United States Army Reserve, and to recognize his years of service to his community and country.

Chaplain White served his country for 20 proud years, from June 4, 1983, to November 7, 2003. His role in the U.S. Army Reserve took him across the country and across the world. He served as a Battalion Chaplain for the 457th and 451st Chemical Battalions in Greenville, SC, and as a Brigade Chaplain for two brigades at Fort Dix, NJ. He served overseas in South Korea in Operation Team Spirit in 1990, and in 2001 he served in a Warfighter Exercise in Grafenwoehr, Germany.

Chaplain White is also a dedicated and motivated community leader. He is the Pastor of the Woodland Avenue Presbyterian Church in Camden, NJ, and is President of the Woodland Community Development Corporation. He serves on the boards of the Cooper University Hospital Foundation, the United Way of Camden County, the Camden Eye Center, and the Cooper Ferry Camden Waterfront Development Board.

Mr. Speaker, it is a great privilege to honor Chaplain White today. He embodies the American spirit of service to one's family, community, and country. I thank him for his dedicated service and wish Chaplain Floyd White all the best in his future endeavors.

TRIBUTE TO CONGRESSMAN WILLIAM O. LIPINSKI

SPEECH OF

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. GUTIERREZ. Mr. Speaker, I rise this evening to recognize my good friend, Congressman BILL LIPINSKI, and to thank him for his 22 years of service and vision and leadership in Congress.

I know we use the word—friend—often in this body. Usually right before we are about to disagree with our colleagues.

We say things like, I have a lot of respect for my good friend from Illinois, but I couldn't disagree more with his staunch support of the Chicago White Sox.

But as much as we use the word ''friend'' to frame our debates, I have always felt that Congress actually is a tough place to build real, lasting friendships.

That is why Mr. LIPINSKI will be so missed.

Because while it's true that I hardly knew BILL LIPINSKI when I arrived here in 1993, it's more true now that I can hardly imagine not having Bill as one of my best friends and allies in public service.

I will miss his effectiveness and his leadership, but more than that I will miss his day-to day presence and his friendship.

And I know I am not alone.

Because Mr. LIPINSKI has been such a good friend to so many of us in this body, on both sides of the aisle.

And he has been such a good friend and unwavering champion for the people of Illinois.

As the late Chicago Sun-Times Columnist Steve Neal put it, Mr. LIPINSKI, ''gets things done.''

And that is what has been the cornerstone of his career. Getting things done for his constituents and for the people of our state. Getting things done so that people across the country have access to better roads, more reliable railways and more dependable airports.

One of the things I am most proud of during my time in Congress is working with Mr. LIPINSKI to secure funding for the renovation and reconstruction of the CTA Blue Line in my district.

It is this kind of leadership and hard work and perseverance that has been the foundation of Mr. LIPINSKI's career. He has led by action and by example. And in doing so, he has produced concrete results for our state.

During his 22 years in this body, Mr. LIPINSKI has fought ardently and selflessly and passionately on issues that make a real difference in ordinary people's lives.

From his first days in this body, he immersed himself in transportation and infrastructure matters. And he did so with integrity and class and the courage of his convictions.

He has helped secure hundreds of millions of dollars in vital funding for public transportation and infrastructure projects. And every day, people all across our city are better off because of his hard work, his dedication and his determination.

From the Metra train, to the CTA, to highway projects along the Stevenson or Lake Shore Drive, to O'Hare and Midway airport, Mr. LIPINSKI has worked to make our infrastructure safer, stronger and more secure.

And beyond his extraordinary legislative accomplishments, Mr. LIPINSKI has served as a role model for many of us in the Illinois delegation and for many who seek to serve at all levels of elected office.

He has been a patient mentor, an unwavering ally and a great friend.

And I know I speak for this entire body when I say that we will miss the sound of that great Southside accent filling this Chamber.

We will miss his skillful management of major transportation bills. But most of all, we will miss our friend's wisdom and leadership and guidance.

So let me close by thanking my friend, Mr. LIPINSKI, for his lifetime of public service. Our city and our Nation owe you a deep debt of gratitude. You will be missed.

CONGRATULATIONS TO THE MARCUS HIGH SCHOOL DRUM LINE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior performances of the Edward S. Marcus High School Drum Line from my hometown of Flower Mound, Texas located in the 26th Congressional District. The drum line consists of 38 dedicated musicians.

At the recent Percussive Arts Society International Convention in Nashville, Tennessee, the Marcus Drum Line delivered outstanding performances which garnered them nine first-place awards. In addition to their group awards, Marcus Drum Line became the first high school to earn all of the competition's individual awards: Best Snare Line, Best Tenor Drums, Best Bass Drums, Best Cymbals and Best Front Ensemble.

I am particularly honored to note that the winning performance, Looking Through the Windows of America, consisted of patriotic songs including ''Stars and Stripes,'' ''America,'' ''Tie a Yellow Ribbon Round the Old Oak Tree,'' and ''God Bless America.''

I extend my sincere congratulations to Rick Villarreal, Director of Bands, Kennan Wylie, Percussion Instructor and the entire Marcus Drum Line for their talent and dedication to excellence.

CONGRATULATING THE MICHIGAN CITY MARQUETTE HIGH SCHOOL BLAZERS ON THEIR CLASS 1A STATE GIRLS VOLLEYBALL CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate the Marquette High School Blazers on their Indiana High School Athletic Association Class 1A State Girls Volleyball Championship.

The young women of Marquette High School, located in my District in Michigan City, Indiana, competed in the IHSAA championships on Saturday, November 7 at the Hinkle Fieldhouse in Indianapolis.

Mr. Speaker, in front of hundreds of their fans, this team captured their fourth state championship in the last six years. I might also note that the two years they didn't win, the team was state runner-up.

Last year, this team lost the championship to Morristown. But these young women didn't give up. They used the loss last year as motivation for their entire season this year.

And this year they beat Morristown 25–22, 25–12, and 25–20 in the championship game.

I am told that Juniors Michelle Fletcher and Sarah Denny did the majority of the damage for the Marquette Blazers, with the impressive assistance of Colleen Trainor and Kahlan Sebert.

I'd also like to congratulate Coach Troy Campbell and Assistant Coach Larry Sheagley on a great season. Compiling a 31 and 7 record is something to be proud of.

On behalf of the citizens of the Second Congressional District, I would like to congratulate Sarah Denny, Ashley Pinkney, Katie Krueger, Rachel Konrady, Kelly Kilgore, Kara Kmiecik, Sabra Johns, Kalan Sebert, Sunshine Johns, Tiffany Cerrillos, Danielle Barnett, Nicole Fumo, Colleen Trainor, and Michelle Fletcher on their Class 1A State Championship.

Additionally, Superintendent Kim Pryzbylski, Principal Patrick Cannon, Athletic Director Eric Simpson and Assistant Athletic Director Andy Walsh deserve a note of congratulations for supporting this team.

I would also be remiss if I didn't acknowledge the parents of these young women. I know the many hours they've given up to drive their daughters to practices and to attend matches, both at home and away. Your effort means the world to them and you all should be proud.

Mr. Speaker, I know that these young women will go far in their future endeavors as they have already demonstrated they have what it takes to be a champion. I wish the seniors the best of luck and the remaining team members continued success next season.

Again, I would like to congratulate the Marquette High School girls volleyball team for winning their fourth state title.

A SPEECH BY THE PRESIDENT OF THE RECORDING ACADEMY

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. BONO. Mr. Speaker, one of our nations most precious exports is intellectual property. It is up to our country to care for and nurture this commodity. Thankfully, when it comes to the recording arts, we have an able and willing partner in the Grammys. To outline some of the challenges and creative measures taken by the industry, I would like to submit for the RECORD a speech given by Neil Portnow, President of the Recording Academy.

It's always a pleasure to be back in Washington, and particularly a pleasure to be back at our signature event in the capital, GRAMMYs on the Hill. All of us at the Academy consider it a privilege to have the opportunity to recognize our distinguished honorees: Senator Hillary Clinton, Representative Mary Bono, and the legendary Natalie Cole.

Although it's been an interesting and challenging year for the music community, it's also been an exciting one. Since we last gathered for this event one year ago, we've seen a number of positive developments—in the industry, in technology, and on the Hill. And for the Recording Academy, it has been a particularly busy year. One year ago, at this very event, I announced the formation of our GRAMMY Cultural Policy Initiative: designed to advance the rights of the music community through advocacy education and dialogue. I'm pleased to report significant progress in the Initiative's first year.

Our off-the-record GRAMMY Industry Roundtables serve as the place for productive dialogue between sectors of our industry that don't often interact. Roundtable participants have included artists such as Dave Matthews and Jimmy Jam, industry trade reps from RIAA and NARM, label executives, and legal scholars. By putting such diverse minds together, we believe our community can begin to develop solutions to the challenges we face.

Public forums, such as our GRAMMY Town Halls bring key legislators, GRAMMY winning artists, and the public together to discuss important issues such as broadcast decency and file sharing, while our ''What's the Download'' PSA campaign has given hundreds of thousands of consumers valuable information about the legal and ethical issues involved in downloading.

Through hands-on action in Washington, D.C., we help our legislators understand the importance of sound cultural and intellectual property policies. Recording Academy executives and artists from around the country are frequent visitors to the Hill as part of our Cultural Policy Initiative. To further

advance artists rights in Washington, the Academy worked closely with our friends Rep. STENY HOYER (D–MD) and Rep. MARY BONO (R–CA) to help them launch the Recording Arts and Sciences Congressional Caucus, a congressional body designed to advance artists' rights in the House of Representatives.

We are pleased with the progress of the first year of our GRAMMY Cultural Policy Initiative. But there is much more work to be done. These are critical times for artists—and the music community (labels, artists groups, PRO's and unions) must all work together to improve the environment for creators.

As I travel around the country to our 12 Chapters, I have the opportunity to speak to thousands of music professionals. It's a diverse group, representing many genres and cultures, young and old, male and female. I speak to platinum artists and those hoping for their first big break. When we discuss the complex legal and economic issues facing artists today, I hear a lot of differing views. I hear about decreased CD sales, barriers to radio airplay, and other challenges artists face. But the one word I hear most often may surprise you. That word is ''respect.''

Musicians want their works respected. They want the choice to decide how their music will be distributed. They want to decide when their new work will be released. And they want to control the quality of those recordings. So while there are plenty of discussions about lost revenue in our industry, allow me to focus on that all important R-word, and specifically address two areas in which artists are disrespected. File sharing is one such issue. Tracks are often uploaded on P2P sites before their release dates. Quality is often poor. Songs are ''traded'' like a commodity without any consent by the owner or creator. Yes, we know file sharing services cause damage to our industry. Yes, we know they hamper legitimate services from fully blossoming. But let us never forget an equally grievous outcome: These services disrespect artists.

So how do we address this problem? The most significant response and deterrent available to the industry has been to sue individual computer users. Everyone in our community would prefer a better way. Well, thanks to some forward-looking Senators, including our honoree Senator Clinton, there may in fact be another option. That is why the Recording Academy supports the Induce Act.

Co-sponsored by Senators ALEXANDER, BOXER, CLINTON, DASCHLE, FRIST, GRAHAM, HATCH, LEAHY, SARBANES and STABENOW, this bi-partisan Act would put responsibility where it belongs: at the feet of those companies whose sole service is to induce others to violate copyright laws.

In a recent Billboard column, the Consumer Electronic Association CEO Gary Shapiro claimed that, ''Aside from the MPAA and RIAA, the [Induce] bill has no public supporters.'' Well, with all due respect to the CEA, ASCAP, BMI, SESAC; AFM and AFTRA; Recording Artist Coalition, The Songwriters Guild, Nashville Songwriters Association, Music Manager Forum, and others all join the Recording Academy in supporting the Induce Act.

So to our friends in the technology community, please understand that our organizations, together representing hundreds of thousands of creative professionals, are all VERY public supporters of this bill. We want to work with you. We urge you to work with us, as well as with these visionary Senators. Together we can help to pass a fair bill that protects legitimate technologies, prevents illegal file duplication, and respects the backbone of our industry, the creative artists.

Finally, on the subject of respecting artists and the music they create, there is one area the Academy is determined to address. The time has come for U.S. radio stations to join the rest of the industrialized world and compensate artists for using their works on the air.

A performance right for artists is long overdue. Hundreds of millions of dollars that rightly belong to copyright owners and creators go unpaid without this right, and we call on Congress to correct this historic inequity as soon as possible.

We will not allow the discussion to turn into a debate about radio's so-called promotional benefits. To appreciate the absurdity of that argument, imagine this: A movie studio tells a novelist he will not be compensated for the rights to his book, because the movie version will promote his sales. Such a concept would never be accepted in any other industry. But it is standard practice in ours.

And we will not allow the discussion to turn into a zero sum game, pitting artist against songwriter. Current songwriter royalties should and will be protected. A new performance royalty for artists must be in addition to that paid to writers.

This goal is not without its challenges, and our efforts will not be without opposition. But through the combined efforts of our music coalitions, and with the help of a Congress that understands the importance of music to our economy and certainly to our quality of life, we will see a future that not only provides fair compensation to creators, but also gives artists the respect that they deserve.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McDERMOTT. Mr. Speaker, I am unable to be in Washington, DC today. Two weeks ago, I injured my leg and my physician prefers that I not put it through the stress of an airplane flight from my home in Seattle, WA to Washington, DC. Were I able to attend today's session in the House of Representatives, I would have voted in support of H. Res. 854 and voted to defeat S. 2986 and H. Res. 856.

ON THE PASSING OF REAR ADM. MAURICE BRESNAHAN

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. DELAHUNT. Mr. Speaker, since the earliest days of sailing, ship captains have had to be many things to their crew—teacher, mentor, role-model, even friend. Rear Admiral Maurice Bresnahan was the living embodiment of this tradition to the thousands of sailors who crossed his wake.

After a 30-year career in the US Navy that took him to the ranks of ship captain and command of a surface warfare group during the first Gulf War, it would have been understandable for this warrior to simply retire and take up a hobby. But, when the Commonwealth called and asked him to serve as president of Massachusetts Maritime Academy, he embraced the challenge.

Of course, challenge is an understatement. Admiral Bresnahan inherited a school whose training ship was unseaworthy, and the Academy lacked the financial resources to sustain its core curriculum.

I first met Admiral Bresnahan—my Admiral—when I was a newly-minted Congressman. He spoke so passionately about the Academy and its role in ensuring the future of the maritime industry that I was tempted to enlist myself. He was a man with a vision that would transform this small, but proud, school on the banks of Buzzards Bay into a world-class institution.

It was not enough that his cadets learn basic seamanship; they also had to be renaissance men and women—equally at home on the deck of a ship or the halls of an art museum. He demanded excellence—and got it. An inspiring presence on the drill field, cadets wanted to be like and near him. His sailors were well-rounded and well prepared for the Merchant Marine of the 21st Century.

Every sailor learns to use the stars to guide them on their journey. In the case of Maurice Bresnahan, the stars on his shoulders denoted more than just a rank. They were guideposts of integrity, compassion and duty.

I commend to my colleagues the following Boston Herald commentary on his passing.

[From The Boston Herald, November 9, 2004]

MAURICE BRESNAHAN, MASSACHUSETTS MARITIME PRESIDENT

Rear Admiral Maurice J. Bresnahan Jr. of Centerville, U.S. Navy retired, president of the Massachusetts Maritime Academy, died Saturday of a brain tumor at his home. He was 68.

Admiral Bresnahan was a 1954 graduate of Mission Hill High School in Roxbury, and a 1959 graduate of Massachusetts Maritime Academy. He received his commission in 1959, served on five combatant ships and commanded the USS *A.M. Sumner* (DD 692) and USS *Damato* (DD 871).

He served as special assistant to the chief of Naval Operations in the Pentagon, Washington, D.C., following his graduation from the Naval War College in Newport, R.I.

Returning to the Pacific Fleet after completion of the Combined Arms Warfare Course at the Naval War College, Admiral Bresnahan took command of the Military Sealift Command (Far East) and assumed duties as commander of the Seventh Fleet Logistic Task Force Group headquartered in Yokohama, Japan.

Upon promotion to Flag Rank, he was appointed commander of Surface Reserve Forces and commander of Naval Surface Group Six, made up of anti-submarine warfare frigates home ported in the Atlantic and Gulf Coast. These commands were recognized with Meritorious Unit Commendations for their service during the Gulf War.

Admiral Bresnahan had been serving as president of Massachusetts Maritime Academy in Buzzards Bay since April 1998. Prior to that he served for four years as the college's vice president of external affairs and marine operations.

Admiral Bresnahan presided over a dramatic increase in student population at the college and a major campus expansion.

He also led the effort to replace the former academy training ship Patriot State with a modern vessel and saw his efforts come to fruition when the newly refurbished training ship *Enterprise* sailed on her maiden voyage last winter.

Total capital improvements to the campus during his watch exceeded $60 million. He expanded the college curriculum and established the academy's first master's degree, an M.S. in facilities management. Admiral Bresnahan believed that one of his most significant accomplishments at the academy was establishing the Emery Rice Scholarship, an award dedicated to academic excellence that is awarded to five incoming cadets each year.

Admiral Bresnahan's military awards include the Distinguished Service Medal, three Legions of Merit, the Meritorious Service Medal, two Commendation medals, and many other unit and personal awards.

Admiral Bresnahan was an active member of the American Bureau of Shipping, Boston Marine Society, Columbia University Maritime Advisory Board, the Naval Reserve Association and the New York Yacht Club and was past chairman of the Council of Presidents of the Massachusetts State Colleges and past chairman of the Consortium of State Maritime Academies.

He also served as a lay Eucharistic minister at Our Lady of Victory Parish in Centerville, and was a past member of Kiwanis.

Admiral Bresnahan is survived by his wife, Alice; one daughter, Julie Pinero of Sandwich; one son, Maurice Bresnahan III of Columbia, S.C.; and five grandchildren.

TRIBUTE TO ALFRED HICKS

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to pay tribute to Alfred ''Fred'' Hicks, from Westbury, New York. Mr. Hicks was the accomplished president of Hicks Nurseries Inc., as well as a devoted leader in his community and a loving father. Mr. Hicks passed away on October 1st due to complications from a rare blood disorder. He was 64 years old.

Mr. Hicks demonstrated a lifelong interest in the gardening industry. He earned a Bachelor of Science degree in Horticulture and a Master of Business Administration degree in Marketing from Cornell University. In 1963, he took over running his family's establishment, Hicks Nurseries Inc., which was founded by his ancestors in 1853. As the fifth generation in his family to run the business, Mr. Hicks transformed the small family nursery into a leading operation using his quiet strength, skills, and dedication. Hicks Nurseries Inc. is now the oldest nursery and gardening center and the oldest family owned business on Long Island.

A long and distinguished history of community and industry leadership and service follows Fred Hicks. He served as president of the American Nursery and Landscape Association (ANLA), and was inducted into the Association's Hall of Fame last year. He also served as president of Garden Centers of America, past president of the Long Island Nurserymen's Association and the Cornell Cooperative Extension of Nassau County, chairman of the Environmental Commission of the Village of Westbury, board member of HMO Vytra Health Care, and advisory board member of Old Westbury Gardens. A particular interest in health issues led him to serve as a medic in the United States Army in 1960, and later on the Board of Winthrop University Hospital. Mr. Hicks was named the hospital's Trustee of the Year on October 23rd.

Mr. Hicks has also served his community with great dedication throughout his life. His parents, Edwin and Eloise Hicks, were instrumental in establishing the Westbury Friends School. Fred Hicks gave much of his time to building and organizing the school, and served on its Board of Managers. All of his children attended the school, and all of his grandchildren are presently students there as well. Mr. Hicks believed children learn best by doing, and applied this principle when working with students at the school. His generosity, caring, and desire for students to succeed together were truly inspiring.

Mr. Speaker, I ask my colleagues to join me in applauding the amazing dedication and numerous accomplishments of Alfred Hicks. Mr. Hicks was a role model in his community and has set a great example for all of us. He leaves behind his wife of 38 years, Marilyn, and a loving family. His three children, Karen Courts, Stephen Hicks, and Marianne Folk, have taken over running Hicks Nurseries Inc. His family, friends, co-workers, and the residents of Westbury community are sad to see him go. He is remembered warmly and will be missed dearly.

PRAISING THE GOVERNMENT OF CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to praise the Government of Cyprus for its recent decision to take a monumental step towards peace and reunification of the island. Yesterday marked the beginning of the Cyprus Government's initiative to clear all Cyprus National Guard minefields within the buffer zone that divides the island.

Over the next year, an estimated 2,300 mines will be cleared from eight minefields—an area that covers more than 100 miles. Ever since the Turkish invasion more than 30 years ago—and today with Turkey's continued occupation—Cyprus has been a country that has struggled to achieve peace. The Government of Cyprus' endorsement of this program demonstrates its strong commitment to break down the physical barriers that separate Greek Cypriots from their Turkish Cypriot compatriots.

Further, the program illustrates the government's broader commitment to the international community as it joins the international fight against mine proliferation, and supports the United Nations Policy of Mine Action.

The Cyprus Government has been working with the United Nations Peace Keeping Force in Cyprus (UNFICYP) since January 2002 in order to enact this de-mining project, and it should be praised for this dedication and tenacity.

I wish to make special note that these actions are being taken unilaterally by the Republic of Cyprus. Unfortunately, the Turkish side has not yet agreed to the de-mining of 27 minefields in the buffer zone laid by the Turkish occupation forces. We can only hope that the Turkish side will someday join the Government of Cyprus in taking this necessary step towards removing these dangerous explosives.

Recent statements by the Turkish Cypriot leader, Mr. Mehmet Ali Talat, that the Turkish side intends to proceed with the destruction of its minefields in the buffer zone are encouraging. It is my strong wish that the Turkish occupation forces decide to go ahead with the de-mining process, as this would be a positive development that could contribute to further reducing the tension on the island.

COMMENDING THE VOLUNTEER WORK OF SUSAN CARTER

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CRENSHAW. Mr. Speaker, I rise today to commend the outstanding volunteerism and community commitment of one of my constituents, Susan ''Sue'' Carter of Jacksonville, Florida.

Sue Carter, who recently moved back to Jacksonville after following her husband's military career across the globe for 20 years, is one of five individuals chosen by the National Military Family Association to receive the 2004 Very Important Patriot award. Sue was chosen, Mr. Speaker, for the countless hours of volunteer work she donated to the community in which she lived for the last three years, Keflavik, Iceland.

For the three years her husband, U.S. Navy Operations Officer, Commander Ted ''Coach'' Carter, was stationed at Naval Air Station Keflavik, Sue became very involved in some very important community organizations. Sue was president of the local Parent Teacher Student organization, served as chair of the organization's Activities board, managed a nonprofit thrift shop whose proceeds benefit those seeking higher education, organized donations for the Red Cross, worked as a substitute teacher, volunteered as an assisting minister, and provided safety and instruction in small arms to military and civilian members of the community.

Sue performed outstanding work and donated countless hours serving her community. Sue's selfless commitment to volunteering is a vibrant example of the difference people can make in the lives of those around them. Now that she and her husband are stationed back in Jacksonville, I know our community will benefit greatly from her sense of community spirit.

Mr. Speaker, I recently had the opportunity to meet with Sue and her husband Ted and found their positive attitude inspiring. In addition to their service to Country and community, they are the proud parents of two young daughters. I believe our Nation owes a debt of gratitude to Sue and volunteers like her all across America for donating their precious time for the betterment of their neighbors. Volunteers are among the best of what America has to offer the world. As a citizen ambassador and wife to a military officer serving in Iceland, Sue reflected America's values honorably.

For these reasons Mr. Speaker, I commend Sue's public service, I congratulate her on receiving the Very Important Patriot award, and

on behalf of the residents of the Fourth Congressional District of Florida, I extend our sincere appreciation and gratitude.

FREEDOM FOR EDEL JOSÉ GARCÍA DÍAZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Edel José García Díaz, a political prisoner in totalitarian Cuba.

Mr. García Díaz is the founder and editor of Centro Norte del Pais, an independent news agency amidst the dictatorship's mandated propaganda. He has devoted his efforts to printing the truth about the horrors in Cuba under the totalitarian dictatorship. By founding an independent news agency, Mr. García Díaz knowingly risked the wrath of the tyranny; however, he believed that illuminating the nightmare that is Castro regime was more important than his personal safety.

From 1997 to present, Mr. García Díaz has been harassed by the dictator's thugs. According to Reporters Without Borders, his life was threatened by a functionary of the municipality of Caibarien. He was also subjected to detentions, interrogations, and other official warnings. Yet, despite these threats, Mr. García Díaz always returned to his news agency to publish the truth about the regime's monstrous abuse of the basic human rights of the Cuban people.

On March 18, 2003, as part of the tyrant's deplorable crackdown on peaceful pro democracy advocates, Mr. García Díaz was arrested. According to Amnesty International, Mr. García Díaz was accused of writing about the poor physical condition of a school building in Havana and accompanying the article with a photo of the installation. After the conclusion of a sham trial, he was sentenced to 15 years in the totalitarian gulag.

Mr. García Díaz is languishing in Castro's infamous, inhuman gulag because he believes in freedom and democracy. His bravery in the face of oppression is another example of the courage of the pro-democracy activists in totalitarian Cuba. Recently, over one hundred Cuban opposition activists took part in a symbolic vote on November 2nd in Havana. They participated in a mock election for U.S. President at the residence of James Cason, head of the U.S. Interests Section in Cuba. Once again, the courage of the Cuban activists demonstrated to the world that, despite the consequences of dissent, the Cuban people are unafraid to demonstrate their desire for democracy.

Mr. Speaker, it is unconscionable the Mr. García Díaz is confined in an infernal gulag because he believes in writing the truth, freedom of the press, and basic human rights for the Cuban people. As we celebrate the successes of the American democratic process, we must never forget those who continue to fight the evil tyranny 90 miles from our shore. My Colleagues, we must demand the immediate release of Edel José García Díaz and every prisoner of conscience in totalitarian Cuba.

HONORING TEDDY ''PILLAR OF TRUTH'' BENNETT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. EMERSON. Mr. Speaker, in East Prairie, Missouri, there is no more well-known or better-loved gentleman than Teddy ''Pillar of Truth'' Bennett. Across our Nation, many fine Americans have met Mr. Bennett and he has had a great effect on their lives. I am certainly one of them.

Mr. Bennett was born in the spring of 1930. He grew up on the banks of the wild and mighty Mississippi River. The usual entree in his Depression-era lunch was a gravy sandwich. Mr. Bennett served our Nation in the Korean war in the U.S. Army. When he returned, he came back to East Prairie. Eventually, Mr. Bennett formed his own business and began to gain fame for his fabulous fish fries. His cooking skills are renowned throughout the Nation—as are his character and his pure heart. The ''Pillar of Truth'' is a man who knows the age-old axiom that you nourish people with fish as well as with ideas.

Teddy Bennett is more than an entrepreneur or a ''people person'' or a great storyteller. His whole life teaches us what it is about to grow up in Southern Missouri and make something of yourself. Teddy began his life's journey during the Great Depression. He learned the lessons of hard work and overcoming challenges as he grew up. He didn't set out to inspire us. It just happened that way.

You hear a lot of stories about the Pillar of Truth—but I know lots of things that are true about him: Though he has made many friends, he has never lost one. He makes his living, and his life, out of bringing people together. And he knows that you feed people with more than food. Teddy is a sage—an intelligent, dedicated man who is just as proud of his community as we are of him.

In recent years, Teddy Bennett has fought a war of his own with cancer, but he has not been alone. Every one of his many friends has stood shoulder to shoulder with him. They deserve the thanks of our Nation. Most of all, however, I would like to thank Mr. Bennett for being a trusted friend to the Emerson family and an inspiration in our world. You are our Pillar of Truth.

HONORING JOHN RITTER FOR HIS CONTRIBUTIONS TO ENDING VIOLENCE AGAINST WOMEN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PORTER. Mr. Speaker, I rise today to thank and honor John Ritter for his contribution to Clark County Legal Services through the Ritter Charitable Trust. This important contribution of $175,000 will ensure that victims of violence against women will continue to have access to the legal support they need to protect themselves and their families.

John Ritter has long been a leader in the economic development of Clark County, Nevada. This gift, and other charitable donations he has made, shows that he is also a leader in meeting the humanitarian needs of our community. John Ritter has shown that, as Southern Nevada continues to experience the fastest growth in the Nation, our community will meet its challenges with the same spirit that has made Las Vegas a world capital of culture, entertainment and quality of life. I look forward to continuing to work with John Ritter and Barbara Buckley, Director of Clark County Legal Services, to fight violence against women. I urge the House to join me in honoring John Ritter for his philanthropy and leadership.

CELEBRATING 35-YEAR CONGRESSIONAL CAREER OF THE HONORABLE PHILIP M. CRANE OF ILLINOIS

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. WOLF. Mr. Speaker, I rise today to recognize a distinguished member of this chamber, Congressman PHIL CRANE. Since 1969, Rep. CRANE has served his constituents in the 8th District of Illinois with distinction and dedication. I join my colleagues in celebrating his career in the House.

Born in the midst of the Great Depression, Phil served his Nation in the Army, and went on to earn his doctorate degree from Indiana University. He then began a career in academia, before being elected to Congress. He continued his intellectual interests, going on to write three books, and contributing to various publications.

Congressman CRANE's interest and extensive knowledge of economic issues is well known. He is a champion of free trade, and played a pivotal role in the House passage of NAFTA and the 1994 General Agreement on Tariffs and Trade. As vice chairman of the Ways and Means Committee, Rep. CRANE has taken a leadership role on issues of great importance to all Americans, such as Social Security, taxes, and Medicare.

As a leader in the conservative movement and as the senior Republican member in the House, PHIL CRANE has created a record of accomplishment for his constituents and his Nation during his tenure in the House. His legislative accomplishments have made a lasting and positive impact on our Nation, and his leadership in the House has inspired his colleagues.

Although Congressman CRANE will soon leave this chamber, his accomplishments and his legacy will continue to live on. All of us who have had the opportunity to serve with PHIL CRANE are better for the experience, and I congratulate him on his distinguished career.

CONGRATULATING TEMPLE SAMUEL OR OLOM IN MIAMI, FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate

and join the congregation at Temple Samu-El Or Olom in celebrating the Chanukat Ha-Bayit, the dedication of their new building, sanctuary, and educational complex on Sunday, December 5, 2004.

I wish to recognize and thank Education Vice President, Richard Siegel; President, Michael Backer; Executive Vice President, Michael Slotnick; Rabbi David D. Schonblum; Cantor Ronit Rubin; Temple Administrator Dennis Miller, and the other officers and members of the Board for their immense contributions and accomplishments.

Temple Samu-El Or Olom has been serving the community of Southern Miami-Dade County and, specifically, our Jewish community in South Florida, for decades.

As the synagogue celebrates its 32nd anniversary, I am proud to mention that the congregation of Temple Samu-El Or Olom was the first in Greater Miami to offer multilingual Shabbat services in English, Hebrew, Spanish, Yiddish, and Ladino. Some of its members have even created and published English, Hebrew, and Spanish prayer books for use during their services. Their educational program includes Early Childhood education, as well as an annual scholar in residence program that attracts numerous participants.

I recently visited Temple Samu-El Or Olom, and found it to be a very warm and welcoming congregation. I was also impressed by the breadth of religious, educational, cultural, youth, adult, senior citizen, and social programs that the synagogue offers to people of all ages.

Furthermore, the synagogue's central location in Kendall, and its proximity to Miami Dade College, the Jewish Community Center, nursing homes, elder care facilities, and other institutions enables it to serve the needs of every person in the community.

The motto of Temple Samu-El Or Olom is ''The Spirit of Family,'' and as we celebrate the dedication of the congregation's new building, sanctuary and educational complex, we can look forward to many more decades of the Temple's service to the community.

NOVEMBER AS NATIONAL HOMECARE AND HOSPICE MONTH

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ROGERS of Michigan. Mr. Speaker, homecare represents a tremendous value for millions of Americans' healthcare dollar by providing a family-friendly and clinically proven way of receiving quality healthcare where they prefer to receive it—at home. Homecare is about superior healthcare and a quality life for at least 8 million households across the United States.

Recent studies of homecare services show that it can shorten inpatient hospital stays, reduce the overall cost of care, improve clinical outcomes, expand patient and caregiver satisfaction, advance functional independence, and reduce the risk of institutional placement. For some Medicare beneficiaries, formal homecare is the most cost-effective strategy for achieving functional improvement.

Homecare does not require brick-and-mortar investments and with the rapid advances in technology virtually every service, short of surgery, can be delivered in the home. For these reasons, I join homecare patients and caregivers throughout the United States in celebrating November as National Homecare and Hospice Month.

HONORING WILLIAM AND MURIEL ELLIOT

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LoBIONDO. Mr. Speaker, I rise today in honor of William and Muriel Elliot for their contributions toward making Americans all across the country aware of the dangers of drunken driving.

Bill and Muriel's quest to bring about this awareness came at a high personal cost, their son, U.S. Navy Ensign John Elliott. John, who had just received his commission to Naval Flight Officer training in Pensacola, Florida, was struck and killed by a drunk driver on July 22, 2000. It was later discovered that the driver responsible for Ensign Elliott's death had been arrested for drunk driving earlier that evening. Having called for a ride, he was picked up by a friend who returned him to his car. Ensign Elliott was on his way home for his mother's birthday party when he crossed paths with the intoxicated driver.

Since Ensign Elliott's tragic death, Bill and Muriel have worked to ensure other families never have to suffer the same tragedy. They created the HERO Campaign for Designated Drivers, an interactive educational program designed to promote the use of designated drivers to combat drunk driving injuries and fatalities nationwide. They have also worked with the New Jersey state legislature to enact John's Law. The law makes New Jersey the first state in the country to require that individuals who pick up an arrested driver sign a document accepting custody and authorizes the impoundment of the vehicles of those arrested for drunk driving for up to twelve hours. I have been pleased to work with Bill and Muriel to encourage other states to adopt similar laws by making impoundment programs eligible for Federal Highway Administration grant funds.

For their efforts with the HERO Campaign for Designated Drivers, Bill and Muriel have been awarded the National Commission Against Drunk Driving's twentieth annual Citizen Activist award. I wish to express the thanks of the House of Representatives to William and Muriel Elliot and honor them for their tremendous efforts.

COMMENDING SENATOR ZELL MILLER

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ISAKSON. Mr. Speaker, as Senator ZELL MILLER retires from the United States Senate, he returns to the State he has served so well for over four decades.

ZELL MILLER of Towns County, GA, has served his State as a State Senator, four-term Lieutenant Governor, two-term Governor, and U.S. Senator. Though he reached the highest peaks of political success, he never left his roots in the mountains of north Georgia.

Today in Georgia, thousands of young adults have earned college, university or vocational degrees through full scholarships paid for by the HOPE scholarship ZELL MILLER created.

Today in Georgia, thousands of young 4-year-old children attend public or private prekindergarten provided through ZELL MILLER's leadership.

As Governor of Georgia ZELL MILLER empowered educators and improved education. His no-nonsense approach to law enforcement made Georgia's streets and neighborhoods safer. Georgia's economy prospers because ZELL MILLER invested in her ports, roads, and infrastructure.

Following the September 11 attacks on America, ZELL MILLER's strong voice, leadership, and commitment to our Country and the safety of our people never wavered. His legacy is a legacy of love of Country, love of Georgia and love of Democracy.

ZELL MILLER has served Georgia and America as a visionary statesman and a patriot. Georgia and America are all the better for his service.

TRIBUTE TO JAMES CARDINAL HICKEY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to James Cardinal Hickey, favorite son of Midland, Michigan and lifelong servant of God.

Though Cardinal Hickey's faith journey took him to the Vatican and archbishopric of Washington, DC, he never forgot his childhood as Jimmy Hickey, a pupil at St. Brigid School. Often he spoke of his home parish and hometown to colleagues and in homilies.

Cardinal Hickey's name has remained on the lips and in the prayers of those in Midland and at St. Brigid, from gatherings in Cardinal Hickey Hall to praying for him in prayers of the faithful as his health declined.

Ordained in 1946, Cardinal Hickey ascended the ranks of the Catholic Church. He became monsignor in 1963, auxiliary bishop of the Saginaw Diocese 4 years later, rector of the North American College in Rome in 1968, bishop of Cleveland in 1974. He served as archbishop of Washington, DC, from 1980 until his resignation in 2000. Yet all the while, his heart remained in Midland, where he often returned to celebrate Mass and visit loved ones.

As another son of Midland, I was happy to find a friend from home here in Washington. The Hickey children; including the young James, played with my aunt, and Cardinal Hickey later baptized one of my own children. His dedication to aiding those most in need, from AIDS victims rejected by their families to migrants far from home but not far from hope, served as an example to all.

Midland lost one of its own with his passing. Yet we believe that while we miss him in his earthly home, Cardinal Hickey has been called

to a Heavenly home. I am grateful for the honor of sharing friendship and fellowship with James Cardinal Hickey, a Savior's servant and inspiration. May God bless his soul and grant him peace.

RECOGNIZING ADANTO D'AMORE FOR HIS SERVICE TO OUR COUNTRY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today in recognition of Adanto D'Amore, a patriot who served his country with distinction.

Born in Italy, Dr. D'Amore came to the United States in 1919 as a young child knowing no English. Realizing the importance of education, Adanto went on to graduate from Ohio State Medical School at the age of 23.

Adanto joined the U.S. Army in 1938 and shortly thereafter became the second U.S. doctor to earn his parachute wings in the First Provisional Parachute Battalion. Transferring to the Army Air Corps in 1940, he became a flight surgeon and went on to serve his country during time of war in the Philippines.

In 1942, Dr. D'Amore was taken prisoner by Japanese troops and forced to participate in the infamous Bataan Death March. Nearly 25 percent of the allied troops did not survive. Many of these soldiers that were fortunate enough to live were then forced onto death ships to Japan. A great number more of the allied troops died on these ships, some from oppressive living conditions and some from ships that sunk during the voyage.

Beaten by his captors like so many others, Dr. D'Amore was also forced to use his medical skills to treat the same captors who tormented him and his fellow prisoners-of war. He used his skills as best as he could to obtain provisions for the other prisoners. His help no doubt helped many to survive a long and miserable time in the POW camp. Over three years later, Dr. D'Amore was liberated from a work camp near Mount Fuji at the end of World War II.

Adanto's service to the medical community continues today. He met his wife Helen, an army flight nurse, upon his return home to the United States, and together they raised three children through many military postings. In 1964, he and his family arrived at Eglin Air Force Base in Northwest Florida, where he retired several years later. Retirement from the military did not mean retirement from medical service, however. Dr. D'Amore went on to work for a county health department, run an entire county hospital system, and open up a private practice.

Today, Dr. D'Amore works with the Bridgeway Center, Inc., Crisis Stabilization Unit and the Detoxification Unit. Despite being over 70 years old, he still arrives at work seven days a week, rain or shine, to provide care to those who might not otherwise receive proper care. People who feel shunned by society can take comfort in the fact that Dr. Adanto D'Amore brings compassion to them and provides hope for their future.

Mr. Speaker, on behalf of the United States Congress, I would like to commend Dr. Adanto D'Amore for heroically living a patriotic duty, risking his own life to help those who believed like he did in the beauty of freedom.

HONORING DR. AUTAR KRISHEN KAW

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BILIRAKIS. Mr. Speaker, I rise to today to honor Doctor Autar Krishen Kaw for being named Florida's Professor of the Year.

Doctor Kaw, a professor at the University of South Florida near my congressional district, received the award from the Council for Advancement and Support of Education for his contributions to undergraduate instruction. Dr. Kaw has taught nine different courses during his tenure at USF, three of which he developed himself.

Doctor Kaw believes that, as he says, ''great teaching is not just an art; it can also be a learned habit.'' He credits his success to being organized, using teaching tools effectively, being compassionate, providing rapid feedback to and having great expectations of his students, and asking questions. He has done that and more, integrating state-of-the-art research into his courses, which have ranged from classes larger than 70 to smaller than 10.

Mr. Speaker, I am proud that Doctor Kaw has been recognized for his outstanding contributions to undergraduate education and wish him the best of luck as he continues in his most noble profession.

A TRIBUTE TO MRS. TANNER JOHNSON LIVISAY

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to a woman who had a very distinguished career as a State extension specialist in the State of West Virginia Mrs. Tanner Johnson Livisay. Mrs. Livisay was a retired State extension specialist and associate professor at West Virginia University and was a resident of Princeton, West Virginia. Mrs. Livisay graduated in 1923 from the former Douglas High School in Huntington, West Virginia and later went on to earn her Bachelor of Science degree in home economics from West Virginia State College in 1927. She then taught in Jefferson and Wyoming counties for the next 14 years. Mrs. Livisay earned her Masters degree from West Virginia University and completed further studies at Merrill Palmer Institute in Detroit, Michigan, University of Michigan, University of Cincinnati, Cornell University and Colorado State University. In 1941, Mrs. Livisay began her work as a home demonstration agent in West Virginia. Her territory included Mercer, McDowell and Cabell counties in my district. She organized home and garden clubs, 4–H clubs, and established the West Virginia State Farm Homemakers Council, under the auspices of West Virginia State College, West Virginia University and the U.S. Department of Agriculture. She was the district home demonstration agent and became program development leader. After 27 years in the Extension Service, Mrs. Livisay retired as a specialist in child development and human relations. A personal account of the work of the West Virginia Extension Service for African-Americans is recorded in the book, ''Reaching Out with Heart and Hands—The Memories of An Extension Worker,'' written by Mrs. Livisay in 1994.

A diamond soror and life member, Mrs. Livisay was initiated into Nu Chapter of Alpha Kappa Alpha Sorority Inc. in 1925. She was a charter member of Epsilon Delta Omega Chapter in Beckley, West Virginia and at the time of her death, she was a member of Eta Iota Omega Chapter, in Inkster, Michigan. Mrs. Livisay, was the proud mother of four children, Carolyn L. McGhee, Marilyn L. Stewart, Jackson P. Livisay, Jr. and Osborne Livisay.

Mr. Speaker, I am honored today to pay tribute to the late Mrs. Tanner Johnson Livisay, for her many accomplishments and achievements and the legacy she leaves for her family and the great State of West Virginia, and in particular, my third congressional district.

ON A MATTER BEFORE THE HOUSE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BOEHNER. Mr. Speaker, as many Members of the House know, I have been involved in civil litigation against another Member of the House, Mr. MCDERMOTT of Washington, for many years. That litigation has come to a conclusion of sorts, and because the litigation derives from an incident reflecting our own responsibilities towards each other as Members and, more centrally, to the institution of the People's House, I think it appropriate to report to the House why I initiated the litigation, my attempts to resolve it, and its latest developments.

I bring to your attention an article titled ''McDermott Gets $600,000 Tab in Leak of Illegal Phone Tape,'' from the October 29, 2004 edition of the Seattle Times. The article is generally accurate and comprehensive. Mr. MCDERMOTT has himself acknowledged leaking the illegally recorded tape to the media in the manner the article describes, and the quotations attributed to the federal district court judge hearing the case are accurate.

Mr. Speaker, I want to underscore three things. First, I filed the suit to defend the principal that no matter our political differences or our party affiliations, we each owe a duty to each other and the House to honor the laws and rules that govern the House and our Nation. Laws matter. Rules matter. Oaths, such as the oath of confidentiality that the Committee on Standards requires of each of its Members, matter.

Second, more than three years ago I tried to resolve the suit with Mr. MCDERMOTT. I had only three requirements: that he admit that what he did was wrong, that he apologize to the House, and that he make a small contribution toward a charity I would designate. These

were the only terms I insisted on. We met several times to discuss each of the matters. But for whatever reason, he felt he could not accept these terms, which appear now to be trifling when compared with the court's punishment.

Third, I recognize that Mr. MCDERMOTT has every right to appeal the court's judgment and I would not suggest that appeal would be improper. But when the court's order for payment is final, he should pay it in full and at once. It's worth noting that this entire matter started with an ethics charge against the former Speaker, Newt Gingrich, which was resolved by fining him $300,000. To end that matter once and for all—both for himself and the House—Speaker Gingrich paid the fine in full. The House deserves the same kind of finality here.

[From the Seattle Times]

MCDERMOTT GETS $600,000 TAB IN LEAK OF ILLEGAL PHONE TAPE

(By Alex Fryer)

A federal judge in Washington, D.C., has ordered Congressman Jim McDermott to pay $60,000 plus attorney fees that could total more than $545,000 to a Republican congressman who sued McDermott for leaking his cellphone conversations to news reporters.

In a harshly worded decision received by attorneys this week, U.S. District Court Judge Thomas Hogan said McDermott's ''willful and knowing misconduct rises to the level of malice in this case.''

It is unclear how McDermott, a Seattle Democrat, will pay for the award if he decides not to appeal it further. He turned down an offer to settle the case for $10,000 last summer.

McDermott's lawyers were reviewing the court's decision, said his press secretary, Mike DeCesare.

A popular liberal lawmaker in a safe Democratic district, McDermott is expected to win re-election easily and has only $45,000 in his campaign account.

McDermott's legal-defense fund, formed in the late 1990s to fight the lawsuit, has about $10, according to his office.

Rep. John Boehner, R-Ohio, filed a civil suit against McDermott in 1998. The case began with Boehner's cellphone conversation in the parking lot of a Waffle House restaurant in northern Florida.

During a conference call with Republican leaders, Boehner talked about the pending Ethics Committee probe of then-House Speaker Newt Gingrich over the way Gingrich funded a college course he taught via satellite through a tax-deductible political-action committee.

A Florida couple intercepted and taped the call and gave it to McDermott on Jan. 8, 1997.

At the time, McDermott was the highest-ranking Democrat on the Ethics Committee, which handles complaints against members of Congress.

McDermott then leaked the tape to The New York Times and Atlanta Journal-Constitution. The New York Times published a front-page story Jan. 10, 1997, with the headline: ''Gingrich is Heard Urging Tactics in Ethics Case.''

Three days later, McDermott resigned from the Ethics Committee after the Florida couple identified him as the recipient of the tape.

Gingrich later was fined $300,000 and reprimanded by the House. He resigned his seat in November 1998.

The couple who gave the tape to McDermott later pleaded guilty to unlawfully intercepting the call and were fined $500 each. The Justice Department has never pressed charges against McDermott.

Boehner sued McDermott, charging the eight-term lawmaker violated state and federal wiretapping laws.

McDermott won the first legal round when a federal judge ruled his actions were protected by the First Amendment. The case went up to the U.S. Supreme Court, which bounced it back down to lower courts.

In August, Judge Hogan determined McDermott ''participated in an illegal transaction'' when he accepted the tape from the Florida couple, and his actions weren't protected by the First Amendment.

Prior to the August ruling, Boehner said he was approached by a lawmaker on McDermott's behalf to broker a settlement.

In an interview during the Republican National Convention last August, Boehner said he set three conditions for McDermott: a $10,000 donation to charity, an admission of guilt, and a letter of apology to the Speaker of House. Discussions broke down, and Hogan submitted his decision Oct. 22.

''The Court finds that (McDermott's) conduct was malicious in that he intentionally disclosed the tape to the national media in an attempt to politically harm the participants through an invasion of their privacy,'' Hogan wrote.

''(McDermott's) argument that he was acting in the public interest by exposing official misconduct is unsupported by the evidence.''

Boehner's office said a settlement now was out of the question.

''This is full vindication of our view in this case,'' said Boehner's chief of staff, Mike Sommers. ''We're looking forward to getting this case behind us.''

Sommers said Boehner spent about $545,000 in legal fees, paid from his campaign accounts.

''It's all been referred to legal council,'' said DeCesare, McDermott's press secretary. ''It's a legal decision, and it needs to be analyzed.''

McDermott's legal-defense account has paid about $350,000 in attorney's fees since the case began, and now owes $21,600 in legal bills, DeCesare said.

Asked if McDermott would embark on a fund-raising campaign to pay the legal bills, DeCesare replied: ''The only next step is to let the legal team review the judge's decision and make a recommendation. It doesn't make sense to speculate on anything else.''

PAYING TRIBUTE TO JIM AND DEE PRELESNIK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Jim and Dee Prelesnik, two patriotic Americans from Pueblo, Colorado. The couple are ardent supporters of our troops, and country, and I would like to join my colleagues here today in recognizing their tremendous display of patriotism before this body of Congress and this Nation.

After September 11, 2001, the American people rallied to support their fellow citizens by hanging American flags outside their homes and on their vehicles, writing letters to the troops, and wearing red, white and blue. While driving through Pueblo, I noticed one house in particular: The house of Jim and Dee Prelesnik. I was awed by their impressive display of flags and was at once struck by their unwavering patriotism and support of our troops.

Mr. Speaker, it is a privilege to recognize Jim and Dee for their exemplary display of love of country. They stood with their heads held high in one of our nations darkest hours, and support our troops at home and abroad. It is with great pleasure that I recognize them today before this body of Congress and this Nation. Thank you both. I will always remember your displays and words of support and optimism.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, I missed rollcall vote No. 536 due to surgery. Rollcall vote 536 was on final passage of S. 2986, raising the federal debt limit.

Had I been present I would have voted ''no'' on rollcall vote 536.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 3283

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. POMBO. Mr. Speaker, I request that the attached cost estimate for H.R. 3283, the Federal Lands Recreation Enhancement Act, be submitted for the RECORD.

CONGRESSIONAL BUDGET OFFICE,
U.S. Congress,
Washington, DC, November 19, 2004.

HON. RICHARD W. POMBO,
Chairman, Committee on Resources,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3283, the Federal Lands Recreation Enhancement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

H.R. 3283—Federal Lands Recreational Enhancement Act

Summary: CBO estimates that enacting H.R. 3283 would increase direct spending by about $700 million over the 2006–2014 period. The bill would establish a new recreation fee program for the U.S. Forest Service and for land management agencies of the Department of the Interior. It would authorize the National Park Service (NPS) to establish, charge, and modify admission fees at units of the National Park System. The bill also would authorize other agencies—such as the Forest Service, the Bureau of Land Management (BLM), and the U.S. Fish and Wildlife Service (USFWS) to establish similar charges called standard amenity fees at certain sites under their jurisdictions. For all agencies, the use of specialized facilities or services (such as developed campgrounds or boat launches) would be covered by expanded amenity fees. In addition, the bill would authorize interagency annual passes, which would replace current passes such as Golden

Eagles and National Park Passports. Finally, H.R. 3283 would authorize all of the above agencies to retain and spend all offsetting receipts collected under the new fee program without further appropriation.

CBO estimates that NPS and other federal agencies would collect a total of $2.1 billion over the 2006–2014 period under H.R. 3283, or about $800 million more than we expect those agencies to collect under existing recreation fee authorities. We estimate that the agencies would spend about the same amount (i.e., around $2.1 billion) over that period, or about $1.5 billion more than they would be allowed to spend under existing law. (Under such law, beginning in January 2006, agencies generally may spend a much smaller percentage of fee collections than under H.R. 3283.) Thus, the net budgetary impact of enacting this legislation would be an increase in direct spending of about $700 million over the 2006–2014 period.

This legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated net budgetary impact of H.R. 3283 is summarized in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
CHANGES IN DIRECT SPENDING										
Recreation Fee Program:										
Change in Offsetting Receipts:										
Estimated Budget Authority	0	−66	−85	−87	−88	−90	−92	−94	−96	−98
Estimated Outlays	0	−66	−85	−87	−88	−90	−92	−94	−96	−98
Change in Spending:										
Estimated Budget Authority	0	140	176	181	182	186	190	194	198	202
Estimated Outlays	0	55	123	162	178	184	188	191	195	198
Net Change in Direct Spending:										
Estimated Budget Authority	0	74	91	94	94	96	98	100	102	104
Estimated Outlays	0	−11	38	75	90	94	96	97	99	100

Basis of Estimate: For this estimate, CBO assumes that the recreation fee program established by H.R. 3283 will be implemented during fiscal year 2005 and that the fees adopted by the affected agencies will sum to about the same level of offsetting receipts currently collected under the recreation fee demonstration program. This estimate is based on information provided by NPS (which collects and spends the vast majority of recreation fees), the Forest Service, the USFWS, the Bureau of Reclamation, and BLM.

Recreation Fees and Spending Under Current Law

Historically, the collection and spending of recreation fees by most federal agencies has been governed by the Land and Water Conservation Fund Act. That act authorizes these agencies to collect fees for use of, and in some cases entrance to, federal lands that have significant recreational resources, subject to rate caps and other limitations. It also allows most of the agencies to spend up to 15 percent of annual fee collections without further appropriation to offset the costs of collecting the fees. The remaining 85 percent of fee receipts are available only if subsequently appropriated.

In 1996, the Congress established a temporary recreation fee demonstration program authorizing the NPS and other federal land management agencies to charge higher fees at more sites than would otherwise be permitted under the LWCFA. Generally, under the demonstration program, the agencies may also spend without further appropriation 100 percent of all offsetting receipts collected at recreation sites. That spending authority applies for most agencies both to the additional receipts collected under the demonstration program and to the receipts that would have been collected under the more limited LWCFA fee authority. As a result, the demonstration program brings in an extra $80 million a year but results in higher spending authority of about $170 million a year.

Under current law, the demonstration program will expire at the end of calendar year 2005, and recreation receipts for most agencies will fall to their pre-1996 levels. Spending authority will also fall—to 85 percent of receipts (except for transportation fees, National Park Passports, USFWS entrance fees, all of which will continue to be available under other statutes such as the National Parks Omnibus Management Act of 1998). Thus, while total receipts from recreation fees are expected to decrease from about $220 million to about $140 million a year, direct spending authority will be reduced by much more—from about $220 million to an estimated $45 million.

Recreation Fees and Spending Under H.R. 3283

H.R. 3283 would effectively authorize the continuation of the fees and spending allowed by the recreation fee demonstration program through 2014. Thus, the bill would have two budgetary effects. First, allowing the agencies to maintain fees charged under the demonstration program would increase offsetting receipts by a total of $800 million through 2014. Second, allowing all offsetting receipts from recreation fees to be spent without further appropriation would increase direct spending by $1.5 billion over the same time period. The net impact on the federal budget would be an increase in direct spending of about $700 million over the next nine years (after 2005).

Intergovernmental and private-sector impact: H.R. 3283 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On March 22, 2004, CBO transmitted a cost estimate for S. 1107, the Recreation Fee Authority Act of 2004, as ordered reported by the Senate Committee on Energy and Natural Resources on February 11, 2004. S. 1107 and H.R. 3283 both authorize recreation fee programs, but the Senate bill only covers NPS fees while the House bill covers the Forest Service and all bureaus within the Department of the Interior.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Selena Caldera.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REV. DR. JAMES FORBES JR.: FROM THE PULPIT, A STRUGGLE FOR JUSTICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. RANGEL. Mr. Speaker, I rise today to commend the service of Rev. Dr. James Forbes Jr., Senior Minister of the Riverside Church in New York. A constant and powerful voice for social equality, and freedom, his leadership has set an example to the community in New York's 15th Congressional District, in our Nation and around the world. A clergyman of the highest order, Dr. Forbes is also an activist who equates spirituality with justice.

On June 1, 1989, the Rev. Dr. James Alexander Forbes, Jr. was installed as the fifth Senior Minister of The Riverside Church. He is the first African-American to serve in that position at one of the largest multicultural congregations in the Nation. Dr. Forbes is an ordained minister in the American Baptist Churches and in the Original United Holy Church of America. He has served congregations around our Nation, inspired by his painful personal experience of bigotry in the segregated South.

Dr. Forbes was born in 1935 in Burgaw, North Carolina, where his father was a Pentecostal bishop. He was the second oldest of eight children. He has led numerous workshops, retreats, and conferences for the National Council of Churches of Christ USA, the National Association of Campus Ministry, the American Baptist Churches, the United Church of Christ, the African Methodist Episcopal Church, the Christian Church (Disciples of Christ), the Episcopal Church, the Roman Catholic Church, the United Methodist Church, and the Presbyterian Church (USA). He is a consultant to the Congress of National Black Churches and past President of The Martin Luther King Fellows. Dr. Forbes has earned three degrees and has been awarded 13 honorary degrees among other awards.

I am deeply impressed by Dr. Forbes commitment to using tools of mass communication to educate our country in the principles of social justice, through a national movement called ''progressive principles of justice''. I commend to the attention of my colleagues a profile of Dr. Forbes, which appeared in the New York Times on October 12, 2004. This article reminded me of Dr. Forbes' leadership in moving us closer to the day when we all sit down together as children of God.

[From the New York Times, Oct. 12, 2004]

FROM THE PULPIT, A STRUGGLE FOR JUSTICE

(By Chris Hedges)

In the battle over Jesus, what he stood for, what he represents and how faith is experienced and sustained, the Rev. Dr. James A. Forbes Jr., the senior minister of Riverside Church, is determined to provide an alternative vision to the one offered by religious conservatives.

He and other clergy members plan to employ the tools of mass communication, including television, to build a national movement for what he calls ''progressive principles of justice.'' In the last few weeks, with his public support for Senator John Kerry and his dire warnings about another four years of President Bush, he has jumped feet first into America's most divisive and, maybe, most important culture war.

''The issue facing religious people is justice,'' he said one recent Saturday morning in his office in the soaring Gothic church, which overlooks the Hudson River. ''How can we justify a corporate officer making a salary that is a thousand times more than the lowest-paid member of the corporation? Poverty is the real weapon of mass destruction. But in this capitalist society when we raise questions about the freedom of some to enjoy an inordinate proportion of the resources while others lack basic necessities, it becomes a hard and difficult discussion.''

Controversy is nothing new in the pulpit of Riverside Church. The Rev. William Sloane Coffin Jr., who was the senior minister before Dr. Forbes assumed the post in 1989, opened the church doors to political refugees from Central America and called for an end to the production of nuclear weapons. Dr. Forbes has welcomed gays and Buddhists into the congregation and has fostered the spontaneity of his own Pentecostal tradition, encouraging emotional personal testimony, applause and standing ovations. But times have changed. The social activism that was more widely accepted within the mainsteam church decades ago has given way to a narrower belief that stresses personal piety and devotion. Dr. Forbes, who travels the country trying to galvanize liberal clergy members into a national network, is often a voice crying in the wilderness.

He seeks, he said, to remind Americans that they also have carried out violence and oppression in the name of God.

''Christians have joined in this negativity,'' he said. ''Don't forget the Klan. They were bent on destroying innocent people. Bad people are not confined to any one religious tradition.''

Dr. Forbes, 69, dressed in a blue blazer and pressed gray slacks, speaks with the hypnotic rhythm of a preacher, his words cascading in slow, elegant waterfalls. He comes naturally to the pulpit, growing up the second oldest of eight children in Burgaw, N.C., where his father was a Pentecostal bishop.

Dr. Forbes shared a story he has told before. When his family sat down to dinner, his mother, who worked as a maid for a white family, always asked, ''Are all the children in?''

''And if there was a child not present, we had to prepare a plate for that child and put it in the oven before we could say grace and our Bible verses and eat,'' he said. ''That is the image I have of God. God, for me, is Momma Eternal. Before I eat, God asks, 'Are all the children in?' ''

He went to school to be a doctor, graduating with a degree in science from Howard University. But after ''being called'' to be a preacher, he enrolled at Union Theological Seminary. ''God called me to be a healer,'' he said, ''but a healer of souls and culture.''

He served in small churches in the South, earning a reputation as a preacher of power, and joined the civil rights movement. He participated in sit-ins at segregated lunch counters in Woolworth's stores.

In 1976 he returned to New York to be a professor of preaching and worship at Union, and from there went to the pulpit at Riverside. Dr. Forbes is married to Bettye Franks Forbes, a musician, and they have one son.

His Pentecostal background unsettles some in the congregation who see him as emotional and showy. The squabbles, however, do not dim what he defines as an era of ''renewal'' in which social justice values—values that drew him to the ministry—will again surge to the forefront.

Injustice, he said, is not an abstraction in his life. He knows the pain of being excluded. On the first day he was allowed to sit as a black man at a lunch counter at Woolworth's he sat next to a white woman who had already ordered her meal. When he sat down she stood and left, and he went home and wrote a poem:

Why did she move when I sat down?
Surely she could not tell so soon that my Saturday bath had worn away.
Or that savage passion had pushed me for a rape.
Perhaps it was the cash she carried in her purse.
She could not risk a theft so early in the month.
And who knows that on tomorrow t'would fall her lot
To drink her coffee from a cup my darkened hands had clutched?
So horrible was that moment, I too should have run away.
For prejudice has the odor of a dying beast.
Whether racist or rapist, both fall into the savage class.
And the greatest theft of all is to rob one's right to be.

MULTINATIONALS WILL EMERGE AS MAIN WINNERS FROM CAFTA RATIFICATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. TOWNS. Mr. Speaker, on May 28, 2004, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, together with the United States, signed a free trade accord whose underlying principle is the aggressive protection and expansion of individual and corporate investor rights. These privileges come at the expense of environmental protection, legislative independence, and a nation's right to autonomously determine social and economic policy. Despite the assurances of its proponents, the Central America Free Trade Accord (CAFTA) is not likely to translate into a significant improvement for the region's atrocious labor rights record because it does not institute the fixed penalties and incentives required for such a profound change. The absence of such provisions is especially distressing in Central American societies that, in a twisted and deadly caricature of respectable collective bargaining, have historically witnessed hundreds of labor leaders gunned down and intimidated by hired hands on the payrolls of land owners and factory managers.

The agreement's limited and unbalanced scope is a result of a heavily delimited negotiating process that lacked any sense of transparency and only involved government-sponsored experts. Numerous NGO's, civic organizations, trade unions groups and political figures in both Central America and the U.S. have expressed their opposition to the agreement. In its present form, CAFTA represents a very significant undermining of the traditional sovereign rights of nations and exposes a lamentable deference on the part of Central American governments. This clearly demonstrates their intent of mainly serving privileged elements of their societies at the expense of the generality of their populations. Once implemented, CAFTA will, in fact, likely condemn the area's agricultural, service and industrial workers to further marginalization, with the accompanying risk that they might fall into abject poverty. Most likely, comparable Central American enterprises will be hard-pressed to successfully compete with foreign competitors because they lack the economies of scale, investor control, access to low interest loans, investor pool and an outreach to skilled management which is readily available to transnational commercial entities.

UNEVEN GROUND

If and when CAFTA is ratified, it will represent a momentous victory to business sectors in the U.S. and in Central America. The five Central American nations that are taking part in the agreement constitute a relatively underdeveloped region whose total GDP equals only $152 billion, or a negligible fraction of the U.S.'s $11 trillion economy. CAFTA fails to adequately consider this facet of the signatories' asymmetrical relationship. According to renowned Nicaraguan academic Rene Oscar Vargas, ''CAFTA is a vehicle for an increase of U.S. exports and an opportunity to maximize the potential of its basic industries: information technology, telecommunications, the service industry, agriculture and intellectual property.'' On another occasion Vargas commented, ''What is CAFTA but an agreement between unequal partners.''

The principle that states that free trade is beneficial to all those involved is misleading and simplistic as it disregards the fact that with unfettered access, the advantage almost always lies with the powerful. In its current format, CAFTA is the economic equivalent of a 220-pound heavyweight being allowed to step into the ring against a 112-pound flyweight. Although international trade and foreign investment are necessary components of any economy, it is a state's responsibility to prioritize the interests of all its citizens, not just the privileged few, and certainly not that of transnational corporations.

For the CAFTA agreement to be ratified, it must be approved by the legislature and signed by the president of each signatory country. A full and transparent reexamination of its costs and benefits, and who will be the winners and losers, is imperative because renegotiation of contested clauses will be all but impossible once the agreement is ratified. A look at Mexico's experience with NAFTA, and its unsuccessful attempts to renegotiate agriculture-related provisions, underscores the serious implications of ratifying CAFTA. Free-trade agreements are not in themselves pernicious instruments. However, they must prove beneficial to both parties, and the Central American Free Trade Agreement, in its current format, does not satisfy this overriding requirement. If this agreement is implemented without alterations, it could very well demonstrate that unscrupulousness and greed will prevail over the best interests of the citizens directly concerned.

FOREIGN INVESTMENT IS THE PANACEA

Behind the rhetoric used to tout CAFTA's virtues—that it promotes a win-win scenario—the reality is that it will provide already well-heeled international and domestic corporations and investors with lucrative incentives, protections, and almost plenary immunity from prosecution. In Article 10.28 of the agreement, the

definition of an investor is purposefully vague as it encompasses any individual involved or considering participation in a business venture. If CAFTA is ratified, any investing individual or corporation will have the vested right to challenge a nation's national or local policy, regulation, or law which they perceive as an impediment to their business dealings, and can call for it to be voided before a supranational dispute panel. This ability to circumscribe constitutionally enacted national legislation and regulation, or seek monetary compensation for their enforcement, gives rise to a new class of parties who essentially will be above the rule of local law. Like the North American Free Trade Agreement (NAFTA) ratified by Mexico, the U.S. and Canada and put into effect in 1994, this accord would provide private parties a protection that today is not in conformity with existing U.S. law. In addition, CAFTA does not clearly and reciprocally address a nation's legitimate course of action when a corporation is thought to have participated in unlawful behavior within its boundaries.

To enforce its bylaws, CAFTA will create an unaccountable supranational body bestowed with the authority to redress any so-called infringement on a foreign corporation's or investor's economic interests. Not only is the burden of proof in these cases placed upon the respective government, the plaintiffs face little consequence if they submit a frivolous complaint. Past experience with NAFTA suggests that environmental regulations will be the object of most of the infringement suits that will be filed because, despite Central America being the second most biodiverse region in the world, sustainable development is not a central tenet of CAFTA. In fact, the mere threat of legal action, and the accompanying litigation costs, should discourage the region's economically-strapped nations from aggressively enforcing environmental regulations.

The optimistic contention made by the Office of the U.S. Trade Representative in an August 2003 Interim Environmental Review, that ''CAFTA may have positive environmental consequences in Central America,'' is disputed by Dr. Angel Maria Ibarra, president of the Salvadoran Ecological Unit (UNES). She notes that ''a simple reading of the text and its relationship to other chapters reveals its essentially cosmetic nature. CAFTA is a custom-made agreement for transnational corporations.'' This is a thesis that U.S.-based private environmental organizations, such as the Center for International Environmental Law and the Sierra Club, have consistently reaffirmed.

In negotiations with the Central American countries, Washington pushed for and succeeded in institutionalizing a mechanism that suborns the very tenets of a country's sovereignty. There is no doubt that CAFTA will hinder the ability of the region's citizens to propose, discuss, and implement the rules of conduct which they may consider to be desirable and appropriate. The pact, therefore, challenges the very essence of using legislative action as a legitimate vehicle to achieve economic and social redress. Interestingly, whereas Washington refuses to participate in many supranational bodies, like the International Criminal Court and the Kyoto Protocol, citing their need to protect national interests, such fears are hypocritically brushed aside when lucrative private business transactions involving the state are at stake and the possibility of unfavorable rulings against enterprises are most likely to be minimal.

HANDCUFFING THE STATE

The restrictions which CAFTA imposes on Central American governments will extend well beyond the capacity, or lack thereof, of states to bind companies to comply with domestic laws. In simplest terms, CAFTA will prohibit states from determining and implementing economic and social policies which their branches of government believe are most suitable to their developmental needs, thus forcing them to adhere to a ''one size fits all'' liberalizing recipe that does not account for the unique particularities of a given country. Under this system, the agreement's provisions substitute for an objective cost-benefit analysis of the beneficial or negative impacts a particular policy, regulation, or law would have on society. If, for example, Costa Rican authorities decide that they wish to encourage an emerging and possibly lucrative sector of the economy through tariffs and incentives, as Ireland and the much-lauded Asian Tigers most successfully did with their information technology and manufacturing industries, respectively, CAFTA provisions could be used to prohibit them from doing so.

In addition, the eventual elimination of all tariffs will expose essential domestic industries to potentially devastating competition from multinational corporations that enjoy a tremendous advantage based on their economies of scale or, as is the case with white corn, Washington-subsidized production. Even government procurement, a mechanism that the U.S. government itself utilizes in certain instances to offset market inequities, will not be exempt from CAFTA's strict regulations. According to Chapter Ten of the pact's text, foreign actors must be guaranteed the same treatment, in both the public and private sphere, as a nation's citizens. This begs the question of who the Central American negotiators were in fact representing when they agreed to these stipulations, because they demonstrably will not benefit the majority of their own citizens. In the long term, the region's severely underdeveloped economies can be expected to fall prey to the natural forces of the market and will undoubtedly incur heavy domestic job attrition, the displacement of thousands of small and medium scale farmers and a more skewed distribution of wealth to the benefit of the nation's privileged capital-holding minority. Salvador Arias, a Salvadoran legislator with the Faribundo Marti Liberation Front (FMLN), told La Nacion USA, a Washington D.C. area daily, that his country alone would likely lose upwards of 54,000 agricultural jobs during the first year of CAFTA's implementation.

NO NEW LABOR PROTECTIONS

CAFTA's proponents assure critics that the agreement will encourage a marked improvement in labor rights for Central American workers. The chapter in CAFTA that addresses this issue, however, seems much more concerned with ensuring a level playing field for U.S.-based corporations than protecting the region's workers. The real aim of the agreement's provisions appears to be the ability to retain the excessively low costs of production that grossly unsatisfactory working conditions help maintain without appearing to do so. In this respect, even though Article 16.2 states that Central American governments must ''strive to ensure'' compliance with their domestic labor laws and guarantee not to ''encourage trade or investment by weakening or reducing the protections'' these laws provide, this, and other passages like it, fall far short of constituting a sturdy defense of labor rights and make the chapter's overall lackadaisical tone one of the agreement's most grievous deficiencies.

In a March press release, Human Rights Watch (HRW) strongly criticized the agreement's glaring reliance on current Central American domestic legislation that, until now, has been ineffective in curbing labor rights abuses. In addition, that organization maintains that real change will not come about unless CAFTA adopts strong ''procedural guarantees for [their] enforcement.'' Without clearer mechanisms that redress worker abuse (which ideally would be equal to those that CAFTA would provide to investors) only blind optimists foresee anything more than a marginal improvement of the currently often corrosive, if not deplorable and inhumane, labor rights situation in Central America. In fact, the question of whether CAFTA, in its current format, will improve the overall standard of living of the region's inhabitants is highly debatable at best.

REDEDICATION CEREMONY FOR RUTGERS-NEWARK'S HILL HALL, HONORING AND COMMEMORATING BESSIE NELMS HILL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PAYNE. Mr. Speaker, I invite my colleagues here in the House of Representatives to join me as I rise to acknowledge the rededication ceremony of Rutgers-Newark's Hill Hall. Originally dedicated in 1972, Hill Hall was named in honor of Bessie Nelms Hill.

Bessie Nelms Hill had an accomplished and distinguished career as an educator and community leader. She was also the first African-American to serve on the Rutgers Board of Governors. Her dedicated service spanned a six year period from 1965–1971. Ms. Hill's appointment to the Board followed an illustrious career as an English teacher, Department Chair and Guidance Counselor in Trenton, New Jersey for 40 years. She has been credited with inspiring and helping thousands of students including former New York City Mayor, David Dinkins.

Bessie Hill worked tirelessly as an activist helping to promote equality and preserving the rights of African-Americans throughout New Jersey and the nation as a whole. She once served as state secretary for the National Association for the Advancement of Colored People (NAACP). Ms. Hill was also one of the founders of the Montgomery Branch YWCA and the Carver Center YWCA both in Trenton.

The tradition of excellence continues in the Nelms Hill family as, Ms. Anzella K. Nelms, a niece, is the deputy superintendent of the Newark Public Schools. Her tireless efforts to promote education on the elementary level are to be commended as well.

Mr. Speaker, I know that my colleagues agree that the rededication of Hill Hall ceremony which will include the unveiling of Bessie Nelms Hill's portrait will inspire the current generation of Rutgers-Newark's students. It

will also serve to keep her memory alive for generations to come. I am pleased that Rutgers-Newark chose to remember Bessie Nelms Hill with this ceremony on October 20, 2004.

PAYING TRIBUTE TO BILL DORN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Bill Dorn from Sterling, Colorado. Bill has been serving his country overseas for over ten years, and I would like to join my colleagues here today in recognizing his tremendous efforts before this body of Congress and this Nation.

Bill returned to Sterling after serving in the Navy in 1963, and soon thereafter began a construction business with his brothers. In 1974, he started his own business and was recognized for his architectural plans of two hotels with the Golden Crown award given by the Best Western Company to 35 of 2500 entrants every year. In 1989, Bill moved to Wiesbaden, Germany and began working for the US Army with the Community's Morale, Welfare, and Recreation Fund.

Bill has been widely recognized for his contributions to the Wiesbaden community by the Chief of US Veterans Affairs, the US Military Chief of Staff, the US Army Team of Excellence, the US Army Corps of Engineers, and the US Great Escape Community Club. In addition, the Army Corps of Excellence and the US Army Europe (USAREUR) have recognized The Wiesbaden community for four consecutive years. Each year, Bill's contributions were specifically mentioned in the organizations reports.

Mr. Speaker, it is a privilege to recognize Bill Dorn for his exceptional service to the US Army personnel serving in Germany. He has been widely recognized for his unwavering ability to get the job done, and the excellence with which he performs his duties. It is with great pleasure that I recognize him today before this body of Congress and this Nation. Thank you, Bill, for your hard work and good luck with all of your future endeavors.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, on November 18, 2004, I missed rollcall vote No. 535 due to surgery. Rollcall vote 535 was on the Stenholm motion to commit with instructions to S. 2986. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment providing that the provisions of the bill shall not apply after April 15, 2005.

Had I been present I would have voted ''yes'' on rollcall vote 535.

H.R. 2440

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. POMBO. Mr. Speaker, I request that my extension of remarks for H.R. 2440, the Indian Health Care Improvement Act Amendments of 2004, be submitted for the RECORD.

As the 108th Congress draws to a close, we can be proud of the steps we have taken toward helping the millions of Native Americans and Alaska Natives living across the country. From continuing to tackle the problems surrounding the Indian Trust Fund lawsuit, Cobell v. Norton, to passage of probate reform for Native American families, the House Resources Committee was able to work in a bipartisan fashion to address these and other important issues.

One of the issues most fundamental to improving the lives of those in Indian country is the health of their people, both young and old. Embodied in H.R. 2440, the Indian Health Care Improvement Act Amendments of 2003, is the essence of truly modernizing an outdated system that no longer properly embraces medical advances that have improved health care delivery and quality over the past decades. Since the last time Congress addressed tribal health care on this scale, more than half of the tribes in the United States have exercised their rights under the Indian Self-Determination and Education Assistance Act to assume responsibility in carrying out health programs on their own behalf.

Through the valuable input of the National Steering Committee and others throughout Indian country, the Resources Committee was able to report H.R. 2440 from the Committee with strong bipartisan support. While the House will unfortunately not have time to act on this legislation during this Congressional session, the importance of moving this issue forward remains.

Regrettably, when H.R. 2440 was reported, the Committee report omitted a section that was of importance to my colleague, Congressman J.D. Hayworth. For that reason, I would like to note that I agree with the need to address the role that naturopathic medicine plays in the lives of Native Americans and Alaska Natives. In particular, the report should have noted that in reference to the Loan Repayment Program defined in section 110 of the bill, the definition of health professions as defined in Section 3 includes naturopathic medicine, as there is nothing in H.R. 2440, or reflected in our interactions with the Indian Health Service, that would exclude naturopathic medicine from participation in the program.

IN MEMORY AND TRIBUTE TO THE LATE WILLIAM M. BURKE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. RANGEL. Mr. Speaker, I rise to honor the life of the late William M. Burke, who passed away recently after a brief illness. Mr. Burke was the founder of the Washington Center for Internships and Academic Seminars in 1975, and he served as the President until his passing.

Mr. Burke's tireless work in developing the ever-widening circle of influence of the Washington Center has empowered thousands of young people to discover the leadership qualities that they already have and to nurture those talents through experiential education both here and abroad. Bill Burke believed that young people should embrace the values of self-respect, courage, ethics, teamwork, and leadership. These were some of the values that Bill himself demonstrated in his own life.

Mr. Burke sought to educate the leaders of tomorrow by exposing them to the leaders of today. Members of every branch of government, foreign dignitaries, corporate CEOs, academic leaders, and over 33,000 alumni have forged partnerships with the Washington Center over the years. The alumni of the Center have reached some of the highest levels in the public and private sectors.

Bill Burke addressed divisive shortcomings in equal access to the Washington Center by leading the development of the Internship Initiative for Students with Disabilities, the Native American Program, the Diversity in Congress Program, the Minority Leaders Fellowship Program, the Women as Leaders Program, and the NAFTA Internship Program, as well as a growing international program. I have been a supporter of the Cordova Congressional Internship Program, which brings 20 Puerto Rican students into congressional offices to live and learn about life in the United States.

Bill Burke has embodied the most honorable models as a mentor, teacher, father, and husband. We extend our condolences to his wife Sheila, and to his two children Barry and Reavey, and to his colleagues and friends, in whose lives will now exist a vacuum once filled by a great man. And to all people who have felt the extent of Mr. Burke's passion for empowering the young people of this nation to achieve great things, continue to embody the values that Mr. Burke endeavored to instill in you. Mr. Speaker, let us as a Body recognize the legacy of Bill Burke, and honor his memory here today.

TIME TO OVERHAUL THE DRIVERS' LICENSE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. TOWNS. Mr. Speaker, As you know there is considerable concern that the state drivers' licenses no longer can be said to meet standards of reliability we have come to expect from documents upon which we must rely to authenticate the identity of an individual. The ease with which such documents may be counterfeited, or even procured through lawful channels, by those not entitled to them gives me pause.

Recently I read a thoughtful and provocative Op-ed in the Nov./Dec. issue of Digital Transactions by Mr. Joel Lisker. Mr. Lisker, a former FBI supervisor, federal prosecutor & senior Senate Counsel, who led MasterCard International's Global Security and Risk Management department for 16 years, takes a close look at the current troubling state of such licenses and the need to upgrade them to a reliable, proven state-of-the-art platform.

These are, after all, the de facto U.S. national identity cards, whether we choose to refer to them that way, or not.

Mr. Speaker, I ask that the complete text of the article be included in the record, and I commend its reading to my colleagues.

TIME TO OVERHAUL THE DRIVERS' LICENSE

This commomplace piece of plastic has by default become the national identification card. Adding readily available advanced technology, such as integrated-circuit chips, can make it more reliable for a post-9/11 world—and pave the way for chip-based payment cards, to boot, says Joel Lisker.

What is the most valuable piece of paper/plastic in your possession? One that can have a huge impact on the quality of your life; maybe even save your life. Is it your health-care Card? Social Security card? Medicare card? Credit card? Nope. It's that little piece of low-end plastic with your photo and a few personal details issued by your State Department of Motor Vehicles, in hundreds of versions, with a variety of features.

The few standards that do apply to these cards have been deliberately set at the low end for reasons of cost, because in fairness, not too long ago, the drivers' license was just that. As a consequence, operational quality, functionality, security, consistency, and currency vis-à-vis state-of-the-art technology have not been factors, Yet now, these are the very cards that increasingly say with authority who we are, and, most important, that we are who we say we are.

In fact, the ubiquitous, poorly designed and equally poorly crafted drivers' license is the de facto national identity card But we need something better—and urgently. Why?

In the aftermath of 9/11, government at every level has struggled with the challenges generated by the life-or-death need to make us more secure—no easy task. Several meaningful steps have been taken, but what is lacking, at the core, is a single, self-authenticating piece of identification upon which authorities may rely. So what's the problem? The problem in a word is reliability. The drivers' license has become the primary means of identification that government has come to regard as reliable at a time when counterfeit and fraudulent applications are rampant.

For example, we may question the abilities of the Transportation Security Administration and now private screeners to authenticate drivers' licenses, given that they are called upon to examine hundreds of different licenses on any given shift.

I submit that several excellent solutions now exist that can be implemented, without adding great cost to already strained state and federal budgets. Some of these solutions, if applied in volume to drivers' licenses, would have the added benefit of creating economies of scale for chip-based payment cards in North America.

CATCHING FRAUD

Let's examine a relevant private-sector initiative. Most banks submit all new U.S. credit card applications to a database to check prior use of key data elements. Two of those elements are the Social Security number (SSN) and address. I envision a similar database of all license holders and applicants that would also contain these two data elements. These could be compared with an SSN/current-address file maintained by the Social Security Administration, kept current based on information furnished by the Internal Revenue Service and contained on the Form 1040.

When a criminal steals a Social Security number, he will always use an address different from that of the true account holder. This process would catch most of the cases of attempted fraud while revealing no other 1040 information. A follow-up mailing to the address listed would confirm that a license using that address had been issued.

The drivers' license itself need's work. For example, it can now be enhanced using readily available and very secure integrated-circuit technology, in use in some markets by the payment card companies, combined with optical memory card technology, now in use on all U.S. permanent resident or ''green'' cards, Southern Border-crossing cards, Canadian ''green'' cards, and an increasing number of Canadian drivers licenses.

In fact, these technologies would permit the security screener to simply swipe or insert the license in a secure reader, the same as a credit card, thereby allowing for authentication of the document as validly issued and currently in force. It could not be effectively copied or skimmed.

Thus, not only could the card be authenticated, but, by using biometric information such as that derived from fingerprints, a validation of the cardholder could also be achieved while protecting the privacy of the licensee's data stored on the card in their possession. This process would be far superior to the current ''hit or miss'' system, which depends entirely on the ability of the TSA Screener to discern a false document.

BEWARE THAT CELL PHONE

This optical-memory card approach, with up to 2.8 megabytes of data per card, would allow for all 10 fingerprints, an iris template, facial template, or just about anything else you might want. This would be entirely consistent with the recommendations of the 9/11 Commission contained in Section.12.4 of its report. Moreover, the deployment of the IC feature of the new drivers license, numbering more than 100 million units, would pave the way for the rapid deployment of a financial payments industry IC card. on a very cost-effective basis. How would government support the additional costs associated with some of the enhancements described here? I submit that a modest increase in the cost of the drivers' license would more than cover this expense. The TSA portion, which would result from the deployment of card-reading terminals at each point of access, could be funded with a modest tax on each airline ticket, one that most air travelers would gladly pay.

To those who would argue against such enhancements on the grounds that they will bring us closer to the dreaded ''national identification card,'' allowing the tentacles of government to slither even more deeply into our lives and privacy, I say this: You better take another look at that GPS cell phone of yours. And what about that OnStar service or EZ Pass? Your ATM Card?

The drivers' license, in its present form is a seriously flawed de facto national identification card. We have cost-effective, proven, secure technologies at hand. Let's use them.

TRIBUTE TO DR. ALBERT J. LEWIS, JR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge the accomplishments of Dr. Albert J. Lewis, Jr., founder and CEO of the World Gospel Musical Association. Dr. Lewis was inducted into the International Gospel Music Hall of Fame and Museum at an awards celebration dinner on Saturday, October 23, 2004, in Detroit, Michigan.

A resident of the city of Newark, New Jersey, Dr. Lewis is a minister of music at two churches and plays for six choirs. He is a certified social worker, notary public and director/chaplain for the United Chaplain Worldwide Outreach International. He is also the executive producer and host of the Dr. A. Lewis Gospel Hour and the Sound of Gospel and Good News. These programs are shown nationally and internationally via the USA Armed Forces Network.

Dr. Lewis attended the Newark Deliverance Bible Institute and completed the course requirements in 1964. He continued his education at Eastern Bible Institute of New Jersey and received bachelor, masters and doctorate degrees in theology and Christian psychology.

Dr. Lewis is the recipient of many awards and commendations and had the honor of having a street named after him. In June 2002, Dr. Lewis was appointed Musical Director for the State of New Jersey by Governor James E. McGreevey.

Mr. Speaker, Dr. Lewis' fellow inductees included some of gospel music's most noted performers. They are the Rev. Milton Biggham, Anna Crockett Ford, Donnie McClurkin, Bill Moss and the Celestials, Joseph Niles, the O'Neal Twins and Ce Ce Winans. I urge my colleagues to commend Dr. Lewis for this most deserving recognition.

PROVIDING FOR CONSIDERATION OF S. 2986, INCREASING THE PUBLIC DEBT LIMIT

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Mr. LANGEVIN. Mr. Speaker, I rise in strong opposition to S. 2986, which would increase our Nation's debt limit by $800 billion. This irresponsible legislation shortsightedly gives Congress carte blanche to run up the deficit with no plan to get our budget back in balance. If this measure is signed into law, the real losers are future generations of Americans, who will be stuck with the bill for many years to come.

This bill would raise the debt limit for the third time in just as many years, including a record $984 billion increase in May 2003. That addition alone was larger than the entire national debt accrued by the United States from our founding in 1776 all the way to 1980.

Today's legislation would allow the national debt to reach a staggering $8.18 trillion. This thirteen digit amount is 70 percent of the size of our economy. As Senator BYRD noted in a recent floor statement, ''To count a trillion dollars, at the rate of $1 per second, would take 32,000 years.'' Should S. 2986 pass, counting to our debt limit would take more than eight times as long.

Most alarming is the Administration's refusal to admit that the ballooning budget deficit is a problem. Despite the President's campaign promise to cut the deficit in half, next year's deficit will likely to be even larger than this year's due to commitments abroad as well as the President's promises to privatize Social

Security while funding homeland security needs and reforming the Tax Code.

For fiscal year 2004, taxpayers owed $322 billion in interest alone. I hope my constituents realize that the first $2,000 of their taxes will not go towards better schools, roads, health care or defense. Rather, this sum is just one in a series of increasing interest payments they will make because this administration chose to forgo fiscal responsibility in favor of tax cuts for a few privileged Americans.

We need to restore fiscal responsibility to this Congress by reinstating meaningful Pay-As-You-Go rules. Just as a family must plan its budget for the next year, ensuring that expenses do not exceed income, Congress must create a balanced budget to avoid adding even more debt in the future.

I will be voting for the responsible Stenholm Motion to Recommit, which would extend the debt ceiling until April 15, 2005, when next year's budget is due. Unless Congress puts pressure on ourselves, we will never balance the budget. I urge my colleagues to join me in supporting the Stenholm Motion to Recommit and oppose final passage of S. 2986.

HONORING NATIONAL DIABETES AWARENESS MONTH

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. WELDON of Pennsylvania. Mr. Speaker, November is National Diabetes Awareness Month. During this month, fifty-nine state and territorial diabetes-control programs, other partners, and the Center for Disease Control (CDC) are highlighting their efforts to battle this wide spread disease.

Throughout November, these organizations will bring a special focus on: (1) diabetes prevention, (2) pneumonia and pneumococcal vaccinations, and (3) the unique problems endured by women with diabetes.

Currently, an estimated 17 million of our fellow citizens suffer with diabetes and the disease is becoming ever more common in our country. From 1980 through 2002, the number of Americans with diabetes more than doubled. Many of its victims are our most vulnerable—people aged 65 years or older—who account for almost 40 percent of the diabetes population.

Medical research has proven that certain types of diabetes can be delayed or prevented by keeping blood glucose at healthy levels through eating right and staying active. Nevertheless, many of the most susceptible to diabetes remain unaware of these simple prevention methods.

For women, diabetes poses a particularly serious health conditions during all their life stages. It is most troublesome that diabetes can affect the health of pregnant women and her unborn children. Additionally, with the increasing life span of women and the rapid growth of minority populations in the United States, the number of women at high risk for diabetes and its complications continues to increase. This will place added demands on the health care delivery system.

Mr. Speaker, diabetes is a serious disease that affects millions of our citizens. In many instances it is preventable—and we hope, ultimately, curable. Diabetes deserves our attention at all times of year, but during this month of November, it deserves our special focus. I encourage members to join the Diabetes Caucus which helps educate and promote current diabetes programs.

IN MEMORY OF 2LT JEFFREY GRAHAM

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CHANDLER. Mr. Speaker, I rise today to honor the life of 2nd Lt. Jeffrey Graham. On February 19, 2004, 2nd Lt. Jeffrey Graham made the ultimate sacrifice for his country while serving in Iraq. The work of our young men and women in the armed services is vital for the safety and security of our Nation. The death of 2nd Lt. Graham is a true loss to the United States. I salute his dedication while serving in the 1st Battalion 34th Armor, the 1st Infantry Division of the Army. My thoughts and prayers are with his family and all those who loved him.

PAYING TRIBUTE TO DENNIS MAES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker, I rise to pay tribute to Dennis Maes, the Chief Judge of the Pueblo, Colorado, District Court. Dennis is a man of strong convictions whose upbringing and sense of dignity permeates his courtroom and ensures that the citizens of Pueblo receive fair consideration in the cases brought before his court. It is my privilege in recognizing Judge Maes' outstanding record of service before this body of Congress and this Nation.

Judge Maes was born in Trinidad and grew up in Walsenburg, Colorado where he was the eldest of eleven children. His father Leo Maes served five terms as Mayor of Walsenburg and championed issues affecting the Hispanic community. Dennis' parents taught him the value of a good education and instilled in him the idea that a community can only be as viable and credible as its citizens.

Judge Maes graduated from Colorado State University at Pueblo in 1967 and immediately accepted a teaching position with Gardner Middle School. Dennis was driven to continue his education and attended the University of Colorado School of Law in Boulder, Colorado. During his studies, Judge Maes was involved in the movement to bring equal rights to Hispanic Americans and advancing the civil rights agenda. After completing his law degree Dennis, returned to Pueblo working in the Pueblo County Legal Services, and the public defender's office before his appointment as Chief Judge of Colorado's 10th Judicial District by Governor Roy Romer in 1995.

Mr. Speaker, Dennis Maes is a dedicated judge who has made fairness and moral conviction the center of his life. The citizens of the Pueblo community have been blessed by his leadership for twenty-two years and I am honored to stand before this body of Congress and this Nation and recognize his impeccable record of service. Thank you for your service Dennis and I wish you all the best in your future endeavors.

PERSONAL EXPLANATION—THE HONORABLE CAROLYN McCARTHY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. McCARTHY of New York. Mr. Speaker, on November 18, 2004, I missed rollcall vote No. 534 due to surgery. Rollcall vote 534 was on ordering the previous question on H. Res. 856.

Had I been present I would have voted ''no'' on rollcall vote 534.

NICARAGUAN PRESIDENT ENRIQUE BOLAÑOS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. TOWNS. Mr. Speaker, I rise today to draw your attention to an event in Latin America that underscores the region's instability and warrants international attention. Over the last few months highly-regarded Nicaraguan President Enrique Bolaños has been fighting for his political survival as charges of corruption against him have led to calls for his impeachment.

During Bolaños' three years in office he has proven himself a capable and popular leader, unafraid to fight against corruption within his government. The president and his supporters allege that Constitutionalist Liberal Party (PLC) leader Arnoldo Aleman, currently imprisoned for corruption, and Sandinista National Liberation Front leader Daniel Ortega reached a political agreement to oust Bolaños from power, secure their parties' control of key political institutions and gain eventual amnesty for Alemán, a former Nicaraguan president.

While Ortega has recently changed his mind and announced that his party will not pursue impeachment, the Sandinistas and the PLC are continuing efforts severely limit Bolaños' presidential powers. Efforts to remove or reduce his presidential prerogatives can only undermine the democratically-elected president and have little to no constitutional basis. They also go against the will of the people, the majority of whom have pledged their full support to their embattled head of state, putting democracy in Nicaragua in jeopardy. Since the Nicaraguan president has little political support in the National Assembly and the opposition controls key democratic institutions, the international community must actively involve itself to ensure the nation's democracy.

The following research memorandum about Nicaragua's crisis was authored by Research Associate David R. Kolker with additional research provided by Research Fellow Alex Sánchez, both of the Washington-based Council on Hemispheric Affairs (COHA). Founded in 1975, COHA is an independent,

non-profit, non-partisan, taxexempt research and information organization. It has been described on the Senate floor as being ''one of the Nation's most respected bodies of scholars and policy makers.''

On October 7, Nicaragua's Comptroller's office called on the National Assembly to remove President Enrique Bolaños from office for failing to disclose the origin of $7 million used in his 2001 presidential campaign. The following day, the country's two major parties, the conservative Constitutionalist Liberal Party (PLC) and the left-of-center Sandinista National Liberation Front, announced that unless Bolaños submitted his resignation, they would move to impeach the 76–year old president. The resulting crisis, which underscores the fragile political stability of Nicaragua as well as a number of other Central American nations, demonstrates how easily personal vendettas can manipulate the political process, ignore the will of the people and endanger democracy by undermining a competent and democratically-elected head of state.

BOLAÑOS AS PRESIDENT

Enrique Bolaños, a moderate conservative who has often been described as an honest chief executive, but lacking charisma, was sworn into office in January 2002. As a former PLC Vice President under President Arnoldo Alemán (1996–2001), Bolaños went mostly unnoticed in his nation until his role as coordinator of the economic aid effort following 1998's devastating Hurricane Mitch displayed his leadership and earned him the wide base of support needed to run for president in 2001. He subsequently won the general election, carrying 56 percent of the vote compared to Sandinista party leader Daniel Ortega's 42 percent. Soon after his victory, however, his crusade to purge corrupt officials from even the highest echelons of government earned him many enemies. This campaign led to his virtual ouster from the PLC by Alemán's friends after the party leader and former president was charged and then last December found guilty of corruption and sentenced to twenty years in jail. Bolaños' severe criticism of the Sandinista government's ties during the 1980s to Fidel Castro, Libya's Muammar Gaddafi and Miguel ''Tirofijo'' Marulanda, commander of Colombia's leftist insurgent force FARC, also infuriated and deeply alienated Ortega.

As president, Bolaños has emphasized economic modernization for his underdeveloped nation and has achieved some successes. Besides fighting corruption and pursuing a transparent government, he has raised teachers' salaries, assisted farmers, begun destroying the military's stockpile of shoulder-fired missiles and upheld the 1990 peace accords signed after more than a decade of civil war between the Sandinistas and the U.S.-backed contras. Despite his accomplishments in office, opposition groups have continuously targeted him, making him the scapegoat for the nation's multiple problems and accusing him of being Washington's puppet because of his controversial support for the Central American Free Trade Agreement.

THE ENEMY WITHIN

Bolaños has accused his main political rivals, Alemán and Ortega, of orchestrating the efforts to remove him from office. According to an October 19 article in the Miami Herald, the Nicaraguan president ''has repeatedly alleged since his campaign financing scandal erupted in late 2002 that Ortega and Alemán were trying to forge an agreement that would impeach the president and leave Alemán under house arrest.'' Indeed, a Nicaraguan government official confirmed to COHA the accuracy of the supposed Alemán-Ortega pact: in exchange for enacting constitutional reforms granting Alemán immunity, the Sandinistas would gain control of the judiciary, allowing the ''two caudillos (strongmen) . . . to fill the key positions of the Comptroller's Office, the Supreme Court of Justice, the Supreme Electoral Council and the Prosecutor's Office with their allies.'' While the PLC (41 seats) and Sandinistas (38 seats) currently control more than the two thirds of the 92-seat National Assembly needed to impeach the president, it seems unlikely that a vote will ever take place. The Nicaraguan official also explained to COHA the highly questionable nature of such proceedings, making it clear that impeachment is unrealistic: ''No piece of legislation existing in Nicaragua gives power to the Comptroller's Office to order the removal of the President'' and as a result, the resolution to impeach Bolaños ''is unconstitutional, clearly exceeds the Comptroller's office powers and jurisdiction, and represents a clear violation to the due process (Art. 10 num. 17; Art. 172, Law of the Comptroller's Office, Decree 625–1980 as amended).'' Additionally, ''neither the Constitution nor any piece of legislation authorizes the National Assembly to take action on [the resolution] (Nicaraguan Constitution Art. 138, Faculties of the National Assembly).''

While impeaching Bolaños would clearly be unconstitutional, it was not until Ortega's November 6 announcement that his party, which always follows his lead, would not pursue impeachment that the president's job appeared to be safe. However, Ortega's decision may be little more than the result of the Sandinistas having found a way to leave Bolanos in office, albeit with severely limited powers. In early November, a bill was proposed in the National Assembly that would revoke the president's power to appoint cabinet ministers, vice-ministers, diplomats and directors of state agencies. If both the PLC and Sandinistas support the bill, which seems likely, it would have more than the sixty percent of the vote needed for it to pass and cripple the president.

Regardless of whether Bolaños is removed or marginalized, the will of Nicaraguans, the majority of whom believe the charges against their beleaguered president are unfounded, is being completely ignored. According to a poll published on October 19 in the Nicaraguan daily La Prensa, 69 percent of Nicaraguans back Bolaños and think the corruption charges against him are a ''political trap,'' while 66 percent believe he holds international credibility. Only 22 percent think that the charges are grounded in truth. Clearly, the average citizen is supportive of Bolaños and wants him to remain in power. Yet as long as the PLC and Sandinistas pursue their own agendas and not those of their constituents, democracy in Nicaragua will be jeopardized.

CAN THE OAS SAVE BOLAÑOS?

Before Ortega pledged not to purse impeachment, it seemed that the president's only hope for survival in office would be through the direct intervention of the Organization of American States (OAS). Aside from eight party deputies in the legislature, Bolaños has virtually no political support in the National Assembly. However, he has received noteworthy backing from abroad. In an October 16 press release, U.S. State Department spokesman Richard Boucher expressed the Bush administration's strong support for the besieged Nicaraguan president, stating, ''We deplore recent politically motivated attempts, based on dubious legal precedent, to undermine the constitutional order in Nicaragua.'' He also praised Bolaños' ''efforts to eradicate corruption and promote democracy'' and called on the OAS to come to his aid.

In a mid-October meeting in Managua of Central American leaders, the presidents of El Salvador, Honduras and Guatemala, as well as the Panamanian vice president and the foreign ministers of Costa Rica and Belize, requested intervention by the OAS to prevent Bolaños' removal. Representing this significant bloc of neighboring nations, Salvadoran President Antonio Saca said, ''We agreed to instruct the permanent representatives of the countries in the Central America System of Integration before the OAS to immediately convene the (OAS) Permanent Council to debate the threatening political and institutional situation.'' Moreover, as scandals inundate the region, some critics believe these leaders' support of the Nicaraguan president is a way to guarantee that they will not lose power if a crisis like the one Bolaños is now facing occurs in their respective countries. Costa Rican President Abel Pacheco, former Guatemalan President Alfonso Portillo and former Honduran President Rafael Callejas all have been recently investigated for corruption. Additionally, former Guatemalan Vice President Francisco Reyes is currently imprisoned and ex-Costa Rican President and former OAS Secretary General Miguel Angel Rodríguez is under house arrest, both on corruption charges. Regional leaders are also surely keeping an eye on the developing crisis in Ecuador, where President Lucio Gutiérrez's cabinet is rapidly resigning as he faces dismissal for the alleged misappropriation of campaign funds.

From October 18–20, acting OAS Secretary General Luigi Einaudi and Permanent Council Chairman (and former Panamanian president) Aristides Royo led an OAS delegation to meet with Bolaños and his political opponents. According to an October 22 OAS press release, the delegation was ''not mounted to support the president or his government, the visit was instead intended to support 'democratic institutions.'' While the OAS has not yet released a full report on the delegation's findings, the London based LatinNews website reported that on October 24, Bolaños said the OAS ''agreed with him that the move to impeach him was illegal.'' In any case, OAS efforts to assist the president may be hindered by internal problems. The October 15 resignation, after less than three weeks in office, of Secretary General Rodríguez as a result of a corruption scandal in his native Costa Rica cost the OAS much credibility. Prior to the OAS delegation's arrival, PLC Deputy Enrique Quiñónez captured many people's sentiments when he proclaimed to La Prensa, ''Now Bolaños' employees say that they will turn to the OAS, by God! . . . the new Secretary General of the OAS resigned for corruption.''

The OAS delegation was formed under the auspices of the OAS's Democratic Charter. Signed in Lima in September 2001, that document states that ''when the government of a member state considers that its democratic political institutional process or its legitimate exercise of power is at risk, it may request assistance from the Secretary General or the Permanent Council for the strengthening and preservation of its democratic system.'' If Bolaños is ousted, according to Article 21 of the Charter, the most the OAS can do is suspend Nicaragua's membership. However, such a move would likely result in international condemnation of those responsible for ousting the president and possibly hinder the disbursement of desperately needed international aid to the country. While the World Bank and International Monetary Fund forgave Nicaragua's $5.1 billion debt last January, aid remains of crucial importance in a country where it is estimated that in 2001, 50 percent of the population lived in poverty. On October 21, Nicaragua suffered a

major setback as a result of the Bolaños crisis when Taiwan, which provided the country with nearly $200 million in aid between 1997 and 2003, announced it would cease sending aid until the national crisis is resolved.

LIGHT AT THE END OF THE TUNNEL

The PLC and Sandinista plan to oust the president, or at least strip him of much of his power, has largely ignored the sentiments of the average Nicaraguan. As Rodolfo Delgado Romero of the Managuabased Nicaraguan Studies Institute told COHA, ''Nicaragua must overcome the vicious cycle of crises and have the capacity to learn from errors that date back to the 19th century'' so it is no longer a country ''where the majority of the population is excluded from the decision-making process . . . a nation controlled by relatively exclusive elites for most of its history.'' Nicaragua is in desperate need for politicians who work on behalf of and truthfully represent its citizens.

The power struggle currently being witnessed in Nicaragua also demonstrates that the region is still plagued by corruption and political pandering. Such behavior invariably leads to unstable rule, which carries the potential for serious conflict and underscores the need for a corruption-free OAS that can act decisively as an arbiter to uphold democracy in the hemisphere. It is disconcerting to note that despite his three years of painfully-achieved economic progress in a nation wrestling with stifling underdevelopment, Bolaños is on the verge of falling victim to manipulations by self-serving political opponents. While it appears likely that President Bolaños will narrowly survive to finish his term, the events of the last two month have cast an almost impenetrable shadow over Nicaragua's troubled democracy.

HONORING JUDGE MICHAEL BATCHIK

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor Judge Michael Batchik upon his retirement after 25 years of service to the citizens of the 52nd District Court, 1st Division and the 52nd District Court, 2nd Division of Oakland County, Michigan.

Professionally, Judge Batchik served as chairman of the Judicial Conference Committee of the State Bar of Michigan, and has been an active member of numerous judicial organizations, including the Representative Assembly and the American Judges' Association. Mike has served as president of the Michigan District Judges' Association and president of the Oakland County District Judges' Association. He is also a past president of the Walled Lake Rotary.

During his tenure in the 52nd District Court, Judge Batchik initiated and implemented a highly successful jail alternative program. The program involves sentencing non-violent offenders to work in a structured community service program in lieu of jail, including a garden program that produces food for charitable organizations in the district. He has also been actively involved in implementing the very positive and successful ''Sobriety Court'' program at the Court. This program has been a key turning point in the lives of many drunk drivers, as well as reducing recidivism.

Mr. Speaker, I extend our entire community's sincere appreciation and gratitude to Judge Michael Batchik for his fine service to our community and our country; and wish him and his wife, Connie, the very best as they begin the next chapter of their lives.

REGARDING H. RES. 863

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FARR. Mr. Speaker, according to the Foreign Assistance Act, U.S. foreign assistance: ''shall be used in support of, rather than substitution for, the self-help efforts'' of developing countries and ''should focus on establishing and upgrading the institutional capacities of developing countries in order to promote long-term development.''

Over 40 years have passed since the enactment of the 1961 Foreign Assistance Act, and countries throughout, the world still face hurdles, including: extreme poverty, hunger, disease, high unemployment, and civil unrest. The U.S. Government only has a limited amount of resources available for international development assistance, and we need to ensure that we spend every dollar in the most efficient way possible to help as many people as possible. I strongly believe that the most efficient way to distribute foreign assistance is through building local capacity.

What exactly is local capacity building? Local capacity building can be defined as a continuous process where individuals, communities, organizations and governments improve their ability to understand and solve their development challenges in a sustainable way. Assistance means ''to give support'' . . . it doesn't mean do it yourself.

The most effective foreign assistance tools are not necessarily tangible things like bulldozers and construction equipment, or hiring American contractors to do the job in-country, but a more powerful and inanimate tool: knowledge. The transfer of knowledge via technical assistance, training and education is what will create long-term, sustainable development. This transfer of technical skills, be it teaching basic business skills for small businesses to flourish, demonstrating how to build wells, explaining the importance of rotating crops, developing a judicial system that hews to the rule of law, or promoting an educational system that provides opportunities for both men and women, is considered local capacity building and is fundamental for sustainable development.

Today, I am introducing a resolution that reaffirms the importance of local capacity building in U.S. foreign assistance programs. As my resolution illustrates, there is legal precedent and also considerable consensus within the development community that building local capacity is the key to creating long-term sustainable development.

But building local capacity isn't just done on an individual level, it needs to be done on a societal level and a governmental institutional level. Problems like poor access to health care, lack of financial literacy, teacher training are long-term, institutional problems. They are not going to be solved by a one-time infusion of foreign aid. Education and training of citizens in the developing world doesn't evaporate when the political climate or funding level changes in the United States or an international NGO reaches its strategic goals and departs.

The goal of local capacity building is to have individuals and governments take ownership of development programs and modify them to achieve lasting results. Where U.S. assistance can make a powerful difference is by providing the technical assistance and training to locals so that they are able to properly address their own problems. Communities can then take this knowledge and find ways to improve their own livelihoods on their own terms and in the appropriate cultural context.

An excellent example of foreign assistance technology transfer is USAID's Coffee Corps program. The U.S. sends renowned U.S. coffee specialists to coffee producing countries to assist coffee farmers in establishing the highest quality beans that will receive a higher market value. This knowledge transfer stays with individual producers and helps create more wealth and development within a rural community.

USAID has an excellent track record in promoting training programs for foreign aid recipients in key areas of economic development, and we need to recognize USAID's efforts and encourage other foreign assistance programs to push for a broadening of the usage of local capacity building within international development.

U.S. foreign assistance must invest heavily in programs that ''train the trainers'', promote educational and cultural exchanges, and fully fund grassroots development programs like the Peace Corps. The Millennium Challenge Corporation, MCC, appears to be making strides in promoting more sustainable development programs, but we must mandate that a country's commitment to building local capacity is a factor when the MCC considers a country's eligibility for funds.

I served as a Peace Corps volunteer in Colombia during the 1960s, and our mantra was: ''Work yourself out of a job.'' Peace Corps volunteers work to educate their counterparts in 'best practices' in areas such as agriculture, health, education, small business and IT development. These counterparts are then able to teach these new skills to other community members, enabling local residents to develop and sustain a better quality of life. ''Work yourself out of a job,'' shouldn't just be the mantra of Peace Corps volunteers. It should be reaffirmed as the central tenet of U.S. development assistance so that citizens in developing countries gain the knowledge to improve their lives and, in turn, improve the world.

SSGT RUSSELL SLAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor SSGT Russell Slay and to extend my deepest sympathies to his family and friends.

Staff Sergeant Slay was a constituent of the 29th District of Texas, and a true hero, who died on November 9, 2004 while serving his country in Operation Iraqi Freedom.

Russell Slay joined the U.S. Marine Corps at the age of 18, and had served his country

for 10 years. Staff Sergeant Slay was assigned to the 2d Amphibious Assault Vehicle Battalion, 3d Battalion, 1st Marine Regiment, Regimental Combat Team 1, 1st Marine Division, Camp Pendleton, CA. Staff Sergeant Slay was killed in the line of duty during Operation Iraqi Freedom while conducting combat operations in the Al Anbar Province.

Russell Slay leaves behind his father Roy Slay, his mother Donna Slay, and his step mother Peggy Slay, along with his two children Morgan, 9, and Walker, 5, who live in Humble.

I know his parents, family and friends are devastated by this loss, but they should be proud of the great man Russell Slay had become and that he died a hero while serving his country. America does not forget those who make the ultimate sacrifice.

His loss will be felt by all of Houston, and I ask that you remember the Slay family in your thoughts and prayers.

CELEBRATING NATIONAL HOMECARE AND HOSPICE MONTH

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to recognize the tremendous value homecare and hospice represents for American families. Homecare provides a family-friendly, clinically proven way of receiving quality healthcare for millions of Americans where they prefer to receive care—at home. November, National Homecare and Hospice Month, is an opportunity to recognize the importance of home care as an essential component of healthcare in my home state of Ohio and throughout the United States.

This important segment of the health care continuum allows patients with medical needs to remain in their homes, including those who are recovering, disabled, chronically or terminally ill who need medical, nursing, social, or therapeutic treatment. Homecare and hospice care represent a family value and a value for families. It's about quality health care and quality of life for millions of households across the United States.

Recent studies of homecare services show that homecare for selected conditions can shorten inpatient hospital stays, reduce the overall cost of care without compromising outcomes, and can improve patient and caregiver satisfaction.

As the American population ages, homecare is expected to grow in the years ahead. Fortunately, advances in technology allow virtually every service short of surgery to be delivered at home. This is good news for our nation's seniors and their families. And it's good news for younger generations who will benefit from continued advancements in technology to further improve the quality and accessibility of homecare.

Homecare and hospice care is an especially important option for people facing terminal illness. These individuals and their families are faced with enormous challenges in dealing with the fear that goes along with such a frightening diagnosis. Hospice treats the person, not the disease. It allows terminally ill patients and their families to experience the end of life together in the comfort and security of their homes or a home-like setting.

While homecare and hospice care serve a critical purpose for our nation's elderly population, these services also provide much-needed care for children with lifethreatening conditions and their families. Today in the United States, about one million children are living with life-threatening conditions and a staggering 55,000 children die each year. In an effort to make improvements to our system that treats terminally ill children, I introduced H.R. 3127, the Compassionate Care for Children Act, in the 108th Congress. This bill will help insure children with life-threatening illnesses have access to the treatments and care that they need and deserve, including hospice, palliative and curative care.

In honor of patients, their families, and caregivers in Ohio and throughout the United States, I join my colleagues in celebrating National Homecare and Hospice Month.

IMPROVING VETERANS EYE CARE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BURGESS. Mr. Speaker, as health care consumers we all expect the highest quality of care available when we visit a health care facility. However, a recent decision by the Department of Veteran Affairs subjects our Nation's veterans to a lower standard of care that 49 out of 50 states permit. This directive, which permits optometrists to perform laser eye surgery in VA health facilities, only confuses the public and veterans about the difference between ophthalmologists and optometrists. In a recent survey of veterans who use the VA health system, 30 percent mistakenly thought optometrists were medical doctors. Further, over 95 percent of veterans think it is important to have a licensed medical doctors specializing in eye care performing their eye surgery in the VA. Our nation's veterans deserve better.

I submit the following for the RECORD:

Optometrists attend four-year Schools of Optometry but have no required post-graduate training or national board certification process. Beyond state optometric licensure, there is no ongoing, national re-certification process to assure the public of the competency of optometrists who are already in practice. In contrast, ophthalmologists are medical doctors who attend four years of medical school. They then complete one post-graduate year of general medical or surgical internship, three years of an ophthalmology residency training program, a national Board certification examination, and mandatory re-certification testing.

EDUCATION

Optometry School (4 years in length): Curriculum includes contact lenses, optics, vision sciences, sensory processing, vision therapy, practice management etc., and courses related to basic medical sciences and eye diseases. Average hours of course work based on a comparison of SUNY Optometry School are 597.3 hours. Optometrists have an average of 335.5 hours of lab and instruction on ocular disease and management.

Medical School (4 years in length): Curriculum focuses on fundamental principles of medicine and its underlying scientific concepts, including required courses on anatomy, biochemistry, genetics, physiology, microbiology and immunology, pathology, pharmacology and therapeutics and preventive medicine, including laboratory. Clinical sciences encompass all organ systems, including the important aspects of preventive, acute, chronic, continuing, rehabilitative and end-of-life care. Clinical experience includes family and internal medicine, obstetrics, gynecology, pediatrics, psychiatry and surgery. Average hours of coursework based on average across medical schools are 1, 436.10. In addition, ophthalmologists spend a minimum of 626 hours (not including medical school) of lab and instruction on ocular disease and management.

MANDATORY POST-GRADUATE TRAINING

Optometry: There is no mandatory post-graduate training. About 15% go on to an optional 1yr training program.

Ophthalmology (Additional 4 years in training): To become an ophthalmologist after medical school, one must complete 1 year of general medical or surgical internship, and 3 years of an ophthalmology residency training program. About 40% go on to a 1 or 2 year fellowship program to concentrate training and experience in a particular subspecialty. The Accreditation Council in Graduate Medical Education has standards in place for patient care responsibilities, minimum outpatient visits and minimum surgical numbers for residency programs.

CLINICAL EXPERIENCE DURING MANDATORY EDUCATION AND TRAINING

Optometry: A 1995–1996 survey of optometric curriculum found a range of 1,215 to 2,240 hours, with an average of 1,910 hours, for clinical experience across schools (a more recent study was not able to be located). During training, optometrists have no minimum requirements for the number of patient visits with ocular diseases or ocular surgical operative experience. There is also no requirement for systemic disease consultation.

Ophthalmology: Based on an estimate of an average of 60 hours per week (including on-call duty the maximum duty hours for residents is 80 hours per week) x 48 weeks x 5 years, at least 17,280 hours are for clinical experience throughout medical school internship and residency for ophthalmologists. During training, the ACGME requires that ophthalmologists have a minimum of 3,000 outpatient visits with a broad range of disease presentation and they must perform and assist at sufficient surgery to be skilled. There are also requirements for systemic disease consultation.

PROFESSIONAL REGULATION

Optometry: There is no national ''Board certification'' process in place for optometry. Beyond state licensure, there is no ongoing ''Board certification'' process to assure the public of the competency of optometrists who are already in practice.

Ophthalmology: There is a Board certification process to assure the public of successful completion of an accredited course of education and examination process by certified ophthalmologists. In addition to state licensure, an ongoing process, Maintenance of Certification, requires renewal of certification every 10 years for ophthalmologists certified in 1992 or later, and many other ophthalmologists voluntarily enter this process.

This data has been collected from SUNY State College of Optometry, Liaison Committee on Medical Education Accreditation Standards, U.S. Department of Education and ACGME.

PAYING TRIBUTE TO RONALD WALDEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker it is with a sad heart that I rise to mourn the passing of Ronald Walden from Durango, CO. Ronald was a dedicated teacher and talented baseball coach and recruiter. It is my privilege to recognize and pay tribute to his service to the Durango community and the state of Colorado before this body of Congress and this Nation.

At age 15, Ronald was the youngest person ever certified to coach Little League Baseball. Ronald's interest in the sport grew, and when he graduated with a bachelor's and master's degree in education from Eastern Illinois University, he began coaching baseball and teaching at Durango High School. He amassed an impressive record of accomplishments as a coach, which included over 200 victories.

Ronald also served as a scout for several Major League Baseball teams, and additionally worked with the University of Arizona, and Arizona State coaches to recruit quality players. His love for the Durango area, and the kids that he coached was evident with his volunteering in the community. Ronald wrote the grant for the Drivers Simulator and Range for Charleston High School, and authored a new health, saftey and driver education program for Durango that was used as a model for other state programs.

Mr. Speaker, Ronald Walden was a dedicated coach who put his heart and soul into his love for baseball and bettering his Durango community. The student body and faculty of Durango High School will surely miss his guidance and enthusiasm for life and the sport of baseball. My heart goes out to his family during this difficult time of bereavement.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. McCARTHY of New York. Mr. Speaker, on November 17, 2004, I missed rollcall vote No. 533. Rollcall vote 533 was on S. 2302, to improve access to physicians in medically underserved areas.

Had I been present I would have voted ''yea'' on rollcall vote 533.

THE 71ST ANNIVERSARY OF THE UKRAINIAN FAMINE OF 1932 TO 1933

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LEVIN. Mr. Speaker, I rise today to commemorate the 71st anniversary of the Ukrainian Famine of 1932 to 1933.

The horrors of famine are often brought about by droughts, floods or other natural occurrences, but the deaths of more than 7 million Ukrainian men, women and children during this period were the direct result of deliberate policy decisions by a repressive government.

Seeking to suppress Ukrainian aspirations for independence, the government of the former Soviet Union ruthlessly imposed forced collectivization and grain seizures. Survivors have spoken of eating bark and weeds to subsist, of the desolation of entire villages, and of Red Army soldiers going door-to-door throughout villages confiscating food and livestock. Witnesses testified that the harvests of the early 1930s were bountiful, and while innocents starved in the streets, Soviet soldiers guarded storehouses full of grain.

For decades after these. events, the deaths were covered up and this man-made tragedy was denied by Joseph Stalin and the government of the Soviet Union. Even today, with first-hand testimony and overwhelming evidence, including the final report of the congressionally mandated U.S. Commission on the Ukraine Famine, there are still those who seek to deny the truth.

Each year, we in Congress join with Ukrainians around the world to remember and honor the victims of this atrocity. Through public recognition of the Ukrainian Famine, we work to ensure this senseless cruelty against humankind is not forgotten, and that its remembrance may help to prevent such tragedies in the future.

IN RECOGNITION OF THE DEDICATION OF THE GREAT FALLS FREEDOM MEMORIAL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. WOLF. Mr. Speaker, I am honored to recognize the Great Falls Freedom Memorial, which was dedicated on November 13 on the Great Falls Community Library grounds. I was pleased to join in the dedication of this memorial, honoring those residents of Great Falls, Virginia, who have made the ultimate sacrifice for our nation.

The memorial was proposed by a 17-member Freedom Memorial Committee, headed by retired U.S. Marine COL Pete Hilgartner, to honor local residents who have given of themselves in service while defending liberty. The Fairfax County Board of Supervisors unanimously approved the project's concept in September 2003.

The plaza on the Great Falls Community Library grounds has a three-stone monument as the centerpiece. The large center stone will be inscribed with the words: ''The Community of Great Falls, Virginia Honors Those Who Have Given of Themselves in Service to the Cause of Liberty and Freedom.'' In addition, the granite curb encircling the memorial plaza will be inscribed with words that highlight some of the principles and virtues held by those who give of themselves in the cause of liberty and freedom every day.

A book on permanent display in the library, titled ''Great Falls Freedom Honor Roll,'' includes the names of members of the armed forces, firefighters, police officers, the six Great Falls residents who died in the September 11, 2001, terrorist attacks, and others dating from the Civil War who have made the ultimate sacrifice in service to the cause of liberty. The common thread among them is residency in the Great Falls community. The stand which houses the honor roll book was created by Glenn Sjoblom, a resident of the Great Falls community.

The dedication ceremony included presentations of thanks to those who made the project possible, musical performances by the Amadeus Brass Ensemble and the King Ringers from Christ the King Lutheran Church, presentation of national, state and county flags that will fly over the memorial, and the reading of names of those honored with this memorial. The Honorable Theodore Olson, former U.S. solicitor general who resides in Great Falls, addressed the gathering. Ted's wife Barbara, whose name is among those on the Great Falls Freedom Honor Roll, was on flight 77 which crashed into the Pentagon the morning of September 11, 2001.

I would like to share the names of those inscribed on the Great Falls Freedom Honor Roll:

Civil War: Private James Ballenger; Thomas Coleman, Civilian; Second Lieutenant Arthur W. Follin; Sergeant William R. Follin; Private Joseph Gunnell; Private Samuel Jenkins; Private F. Thomas Reid; Second Lieutenant George W. Swink; Major James W. Thrift; Private W. T. Tucker; Private John T. Walker; Private George L. Williams, and Private James W. Williams.

World War II: Sergeant (USAAF) George Frame; Private (USA) Robert Girard; Private First Class (USA) Harry Kanmermier; Second Lieutenant (USMC) Eugene Niswander, and Private First Class (USA) Ross Robey Poole.

September 11, 2001, Attack on the Pentagon: First Lieutenant Richard P. Gabriel, USMC, Retired; Ann C. Judge; Barbara K. Olson; Lisa J. Raines; Diane M. Simmons, and George W. Simmons.

In addition to Ted Olson, I also would like to recognize the following individuals who were part of the dedication ceremony: the Honorable Joan M. DuBois, Fairfax County Board of Supervisors; Fairfax County Fire and Rescue Honor Guard; the Honorable Stu Mendelsohn, former member, Fairfax County Board of Supervisors; Amadeus Brass Ensemble and their director, Paul Ward; Reverend Paul Gysan of the Christ the King Lutheran Church; Pete Hilgartner, chairman of the Great Falls Memorial Committee; Mike Kearney, Co-Committee Construction chair; Milburn Sanders; Glen Sjoblom; Sam Clay; Roger Sudduth; Honorable Vince Callahan, Virginia House of Delegates; Honorable Gerald E. Connolly, chairman, Fairfax County Board of Supervisors; Boy Scout Troop No. 1577, led by Grant Johnson, Eagle Scout candidate and Co-Committee Construction chairman, and the Kings Ringers and their Director, Jane Cooper.

I would also like to recognize the hard working individuals who are responsible for the creation of this memorial. The members of the Great Falls Freedom Memorial Committee are Pete Hilgartner, chairman; Beau Dietrich, Marge Gersic, Paul Gysan, Sara Hilgartner, Ellen Johnson, Grant Johnson, Michael Kearney, Linda Lammersen, Bob Pattavina, Janet Pattavina, Andrew Pendergrass, Milburn Sanders, Katayoon Shaya, Glen Sjoblom, Bill Ten Eyck, Nancy Wilson, and also Merritt Peters, with Paciulli Simmons & Associates, who

created the design for the logo; Dave Jackson with Zadmer Enterprises, the general contractor, and Luis Lopez with Fairfax County Department of Public Works, who will be responsible for maintaining the plaza.

Finally, I would like to recognize the sponsors who contributed to making the memorial possible. Benefactors were Fine Landscaping, William and Gina Luraschi, Pete and Sara Hilgartner, the Allen Family, Luck Stone, Elizabeth S. Hooper Foundation, Totaro & Associates, William and Mary Callan, Seneca Excavating, M. Sheila and Torn Rabaut, and Foley Construction. Patrons were Thomas Hoffman, Turner Construction, Virginia Ground Cover, Hanover Architectural Products, Zadmer Enterprises, Great Falls Electric and Legg Mason Wood Walker Inc.

I am inserting for the RECORD a news article from The Times Community Newspaper which reports on the dedication of the memorial and the ceremony held last week.

[From the Times Community Newspaper, Nov. 16, 2004]

FREEDOM MEMORIAL DEDICATED IN GREAT FALLS

(By Beverly Crawford)

The long-awaited Freedom Memorial in Great Falls was dedicated Saturday with an hour-long celebration that featured government officials and comments by former U.S. Solicitor General Ted Olson.

Dranesville Supervisor Joan DuBois (R) presided over a ceremony that included U.S. Rep. Frank Wolf (R–10th), Del. Vincent Callahan (R–34th), Fairfax County Board of Supervisors Chairman Gerry Connolly (D), Dranesville Library Board Representative Roger Sudduth, Fairfax County Library Director Sam Clay and former Dranesville Supervisor Stuart Mendelsohn, who launched the initiative during his second term. Fairfax County Executive Anthony Griffin was also among the guests.

''My mission here today is to tell you a little bit about this committee,'' said Pete Hilgartner, a former U.S. Marine officer who proposed the memorial and chaired the 20-member committee that designed the memorial and raised some $100,000 to pay for it.

Hilgartner thanked each of the committee members individually: vice chairman Mike Kearney; Luis Lopez, of Fairfax County's Department of Public Works; Katayoon Shaya, of the Department of Planning and Development; Mark Peters; Linda Lammersen; Paul Gysan; Beau Dietrich; Marge Gersic; Boy Scout Grant Johnson and his mother, Ellen; Bob and Janet Pattavina; Nancy Wilson; Bill TenEyck; Glen Sjoblom; Milburn Sanders; Hilgartner's wife, Sara; and Andrew Pendergrass.

Hilgartner said that, when he organized the committee, ''We recognized fairly quickly that we had a unique group of people'' whose patience and ability to work together saw the project through.

''I am so proud of you on my committee that I can't see straight,'' Hilgartner said. ''You have forever made a difference in my life.''

''This project would not have happened without Mike Kearney,'' he said.

Kearney thanked the Allen family on River Bend Road for donating the rock that forms the centerpiece of the memorial, and he thanked Betty Nalls Swartz, their neighbor, for proposing that it be used.

Kearney said the money raised by Brogue Charities was topped off with a $15,000 matching donation from the Elizabeth S. Hooper Foundation. Local businesses donated money and in-kind services for the memorial.

Sanders, one of Dranesville's representatives to the Fairfax County History Commission, identified the names for an ''honor roll'' of 13 Civil War soldiers who died at the Battle of Dranesville on Dec. 20, 1861; five people who died in World War II; and the six people from Great Falls who died Sept. 11, 2001, when American Airlines Flight 77 crashed into the Pentagon.

Mendelsohn read each of their names as a member of the King Ringers, a handbell choir, sounded a bell for each name. ''They gave all they had to keep us free,'' Mendelsohn said.

Hilgartner and DuBois placed a wreath at the memorial, and a ribbon was cut to symbolize its opening.

The flags of the United States, Virginia and Fairfax County were raised by members of Boy Scout Troop 1577.

Olson said his wife, Barbara, and the five other people from Great Falls were ''viciously wrenched from ordinary acts of living'' on Sept. 11, 2001.

''They were instruments of monstrous acts of violence,'' wrought by people who slaughtered ''the most innocent and vulnerable among us to show their anger,'' Olson said.

Six weeping cherry trees were planted at the entrance to the memorial to commemorate their lives.

THE 30TH ANNIVERSARY OF THE NATIVE AMERICAN YOUTH ASSOCIATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BLUMENAUER. Mr. Speaker, it gives me great pleasure to recognize the Native American Youth Association (NAYA) for thirty years of diligent work in serving the Native community in the Portland Metropolitan area. Aiding Native American youth and families, NAYA Family Center has answered an important call to reach the urban Indian population in Portland, estimated to be 31,000 people strong.

As Native American high school students experience a dropout rate 13.3 percent higher than the national average, the need for youth intervention is clear. NAYA Family Center has tirelessly pursued these issues with a focus on providing the cultural, educational, family, economic, spiritual, and leadership resources necessary to deliver service to this important population.

NAYA worked as a volunteer-based service provider for 20 years, incorporating as an official 501(c)(3) non-profit organization in 1994. Now, in 2004, thirty years from the beginning, it is my honor to recognize the organization's first ''Celebrating Native American Month'' development dinner.

HONORING STEPHEN NADAL

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. HONDA. Mr. Speaker, I rise today to honor the life and achievements of Stephen Nadal, who passed away on November 5 at the young age of 35. Mr. Nadal made great contributions to the Asian Pacific Islander American (APIA) community throughout his lifetime, and he will be fondly remembered by his family, friends and members of the community whose lives he touched. Stephen is survived by his fiancé and mother.

Stephen spent several years working for nonprofit organizations, and he successfully coordinated several projects focused on social justice. His efforts focused on empowering the APIA community, and he worked tirelessly to educate the public about the importance of voting and community involvement.

Stephen most recently served as the coordinator for the APIA Vote 2004 project in the great state of Washington. APIA Vote 2004 is a national coalition of non-partisan nonprofit organizations that encourages civic participation and promotes a better understanding of public policy and the electoral process among the APIA community.

Stephen's contributions to this organization were instrumental in mobilizing APIA voters in Washington for the 2004 election. Through his untiring efforts, over 1600 APIAs in the state were contacted, with nearly 900 APIA individuals pledging to vote in the election.

Additionally, Stephen coordinated an AIDS awareness campaign in the state of Washington and successfully organized several events that spread public awareness of AIDS while raising funds for nonprofit AIDS organizations. He also helped build Art Corps, a nonprofit organization that provides excellent arts education opportunities to young people.

For his outstanding devotion and service to his community, I ask my colleagues to join me in honoring the life of Stephen Nadal. Although he will be greatly missed, Stephen will forever be remembered for his constant commitment and motivation. He is truly an inspiration to us all.

A SALUTE TO WRHI AND WRHM

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SPRATT. Mr. Speaker, I am honored to salute two radio stations that have brought years of broadcasting excellence to the citizens of North and South Carolina. On December 14, 2004, WRHI marks its 60th anniversary, and its sister station, WRHM, joins in celebrating its 40th anniversary.

WRHI, 1340 AM, serves much of York County, South Carolina, including my hometown of York. I was two years old when it first went on the air in 1944, and, I'm proud to say; its been a part of my life and a bedrock of our community ever since.

WRHM, 107 FM, covers 15 counties, from the Upstate to the State Capital, and from Rockingham to York.

WRHI and WRHM have prospered all these years because of people like Manning Kimmel and Allan Miller. Together, they make up the leadership of Our Three Sons Broadcasting. They acquired WRHI in 1984 and WRHM in 1987, and along with their cracker jack staff, they have spent years making sure the stations were top-notch facilities. But above keeping pace with technology, they've kept pace with their community. As Manning says, ''We have an obligation to be its voice, to discuss

the issues which affect us, and to ensure we keep our sense of community and the qualities which make this such an exceptional place to live. This is where we live, work, play, and pray. York County is just a great place to live.''

Mr. Speaker, I am pleased to submit for the RECORD the proud history of WRHI, written by Haney Howell, of Winthrop University. And I encourage all of my colleagues, who find themselves in the York County area, to tune in to 1340 AM or 107 FM and hear some of the best in news, talk, sports, and country music. Happy Birthday, WRHI and WRHM, and thank you, together, for giving the Carolinas ''100 Years of Broadcasting Excellence.''

WRHI RADIO: BROADCAST PIONEER CONTINUES TO SERVE ROCK HILL

(By Haney Howell)

December 1944 was a time to dust off dreams. Allied forces were pushing at the Germans from both sides, the Normandy invasion a success. The Japanese were retreating toward the home islands in the Pacific, setting the stage for their final push. People could again afford to pursue their dreams, to think of a life without war.

In the Carolinas, another delayed dream came true. WRHI Radio in Rock Hill, South Carolina, broadcast for the first time, becoming the ninth station in the state and one of the first 600 in the nation.

Few stations signed on in the United States during the war, first because of a freeze on building permits then restrictions on equipment purchases.

WRHI made it on the air despite overwhelming odds, wartime restriction and one of the dreamer's deaths at Normandy. The 250-watt signal on 1340 was as much a bureaucratic miracle as a technological one. The story of WRHI is also the story of one strong-willed individual with a dream of community service. While the forces of war delayed plans for radio in Rock Hill, the efforts of this man brought it to reality. James S. ''Jim'' Beaty, Jr., was a young broadcast engineer who believed in community broadcasting. He felt that Rock Hill needed more than a newspaper and regional broadcast stations. He was a sick child, almost dying of pneumonia in the second grade. He quickly ruled out physical activities and searched for areas he could conquer with his mind. He witnessed the phenomenal growth of radio during the 30s, listening to stations across the nation late into the night. ''I was interested in radio since the time I was old enough to recognize a radio crystal set.''

He started in radio as an amateur, building receivers and transmitters from scratch. An aunt promised him a kit radio while in high school if he made A's. Not only did he receive the kit, he located a man who was an expert builder to teach him. Friends were amazed at his skills with building electrical circuits and other detailed work. Beaty overcame the slight shaking of Parkinson's Disease and became a master builder. However, he avoided work with high voltage and high gage wires, fearful that he'd have an accident.

Beaty grew up in Greenville, South Carolina, while part of the family remained in Rock Hill. He attended Clemson University for one year in the mid 1930s before his Parkinson's Disease and the Depression forced him to drop out. He loved electronics courses and asked more questions of his professors than most. His health would play a major role in the history of the station, forcing him to stay behind during World War II.

He soon turned his skills to broadcast engineering, building and maintaining equipment for stations. His first job was at WMRG in Greenville, and he vividly remembered that job interview 50 years later. ''I walked into that station—a combination transmitter and studio building—and there was this fellow leaning on the carpet putting a mike receptacle in, and I asked him, 'How about a job?' and he said, 'What field? Announcing or engineering?' I said engineering, and he said, 'Hand me that pair of pliers over there and get on the other end of this wire.' ''

Beaty learned the basics of putting a station on the air. When the Greenville station changed management, he followed the man who originally hired him to Burlington, North Carolina. That is where he spent most of the war, and pulled together his hometown radio station. As he gained experience, he planed for a station of his own. He gained another supporter when he married Anne in the late 30s.

Rock Hill was covered by WBT and other regional stations. What Beaty sought was a voice for his own community, a station that represented the people of Rock Hill and South Carolina. While only 25 miles separated Rock Hill from Charlotte, North Carolina, those miles and a state line created a major gulf.

In the early 1940s, Beaty convinced his older brother, William, that a radio station was both needed and wanted in this textile mill and farming community south of Charlotte. No county in the upper tier of South Carolina had a station and the Beatys did not feel that the local newspaper fulfilled the need for more instant news and live local entertainment.

The brothers approached Ernest Carroll, a local soft drink distributor and a founding member of Rock Hill National Bank. His son, Ernest Carroll, Jr., had an intense interest in theater and performing. The elder Carroll thought the radio station would give his son a challenge, and he also agreed with the Beaty's for the need for a station in Rock Hill. Carroll put up $10,000 in seed money, and offered them space in the new Rock Hill National Bank building downtown. Jim Beaty's dream was now moving forward, and as with other challenges in his life, he wasn't about to give it up.

By late 1941, plans were well underway and an application was filed with the FCC. There were others seeking to put a station in Rock Hill. It was the largest of a number of small to mid-sized towns which dotted the Carolina Piedmont. A large part of the economy was based on textiles and cotton. It was a town dominated by a handful of powerful people, and Ernest Carroll was one. Jim and Bill Beaty's father, Dr. J.S. Beaty, was a local physician who rapidly established himself in the community. Their reputation and Carroll's financial backing greatly influenced the Federal Communications Commission. Jim Beaty memorized the rules and regulations, closely monitoring the application each step of the process. It seemed only a matter of time. Then came the Japanese attack on Pearl Harbor. The application was frozen and the lives of the dreamers changed. Bill Beaty became an Army officer, serving in the Pacific. Ernest Carroll, Sr., became a Marine officer, and his son later entered the Army. Only Jim Beaty, with his physical deferment, was left to tend the dream.

Jim Beaty correctly guessed that a license might be granted long before the freeze was lifted on equipment. Commercial and even amateur production was taken over for military and war related communications. Amateurs were off the air, and many basic parts were in short supply. It was ''somewhat like the used car business. There's plenty of used equipment, and I started making friends with different stations and with the chief engineers and finding the surplus equipment.''

Beaty started collecting spares from various stations, putting together the needed pieces for a transmitter. He purchased metal trunks from the YMCA to use as cabinets. A used tower found in Roanoke, Virginia, wound up stored in sections in his mother's back yard. Earnest Carroll, Sr. kept up his interest from afar, providing Jim Beaty with a large room in his home to store the needed equipment. Ernest Carroll has no doubts about how the station got on the air. ''The reason we were able to get on the air was that Jim shopped around everywhere he could find pieces and parts and he got lockers from the YMCA, old lockers, and he built the equipment into those lockers . . . That's the way we got on the air. There were several groups . . . at least two that I know of . . . who were planning on attempting to put a radio station in Rock Hill, and planned and talked about it for several years, but they couldn't . . . they didn't have Jim Beaty . . . they would have to buy new equipment, so they were stalled while we went ahead . . . and Jim got it on the air.''

Bill Beaty remembered the first time well. ''Jim . . . a first class engineer . . . who knew everything about building and maintaining equipment, started assembling parts for a radio station wherever he could find them. All the stations have certain parts, duplicates so to speak, and he was able to find a lot of pieces of equipment, which he was able to buy. He built the first transmitter from scratch. It was not a commercially built transmitter.''

Others watched the process with amazement. ''Jim Beaty, who was great at this sort of thing, put the thing together with haywire and whatever he could find, and got it on the air . . .''

By mid-1943, some of the restrictions on licenses were lifted by the FCC. Jim Beaty pushed the paperwork and continued gathering needed equipment and parts. His application won out over the others, and on August 2, 1944, Beaty received a construction permit. It specified direct crystal control on 1340 kilocycles, 250 watts output with two RCA 805s in the modulator for high-level modulation. The antenna would be 177 feet tall with 120 copper wire radials buried in the ground. ''That was when the FCC ruled that anyone who had the equipment or could get it and could show cause for the need for a station . . . Rock Hill didn't have a radio station and there wasn't one in the Fifth Congressional District.''

The FCC regulation on the types and quality of equipment used at broadcast stations was, and continues to be, strict. Not only did Jim Beaty construct the first transmitter from spare parts, it passed muster with the field inspector as well. The original control room console was constructed in a steel YMCA trunk, and early announcer Buddy Fields remembers having to give the board ''a kick from time to time'' to free up the relays.

Jim Beaty located and purchased a lot for the tower and transmitter, and Ernest Carroll sent a couple of hands from his family farm to Rock Hill with a mule to plow the ground and lay the radials for the tower.

The source of the wire for the tower radials is still a mystery. Copper was in very short supply, and it's thought that the ground radials Beaty was forced to use have a high steel content (they are still in use). Whatever the source and composition, the wire arrived by train and was taken to the transmitter site in a mule-drawn wagon.

Choosing the call was left up to Jim Beaty. He later told Carroll that he wanted Rock Hill reflected in the letters, and said that the ''I'' on the end was simply available at the time. His choice was good. The station still uses the same call.

While Jim Beaty moved toward the fulfillment of his life goal, fate stepped in and

shook the original group to the core. Ernest Carroll, Jr. died in combat during the invasion of Europe. His father was serving in the Marines in the Pacific, and was sent home and eventually discharged following the death of his son. Bill Beaty was in the Philippines, fighting not only the enemy but tropical diseases which would plague him for the remainder of his life. He would not join the station until 1946.

Jim Beaty said that the next six months seemed like an eternity. ''It was slow. First we had to get a building . . . we had to get a fellow to modify the building to house the transmitter.'' Once the station was transmitting, it was time to build a staff. Jim Beaty brought in Al Drew from Roanoke Rapids, Virginia, to help him set up the station and train the announcing staff.

First hired was Bob Carroll, a local high school student and assistant manager of the local theater who had singing experience. One of his teachers contacted Drew, who auditioned Carroll and gave him the job. Carroll's only previous radio experience was singing with the Winthrop College choir as a boy soprano on WSOC during the late 1930s.

Jim Beaty was concerned about more than just getting a signal on the air. Before the official sign on, the station ran numerous test programs from midnight until 6 a.m. to test the equipment and more. ''We ran full occupational capacity, we ran 15 minute shows, 30 minute shows, the widest diversity you could think of, everything from disc jockey shows to religious shows to interview shows, anything you could think of to give us the background experience before we went on the air.'' Carroll felt that Al Drew was a key element to the success of the basics of good radio broadcasting.

Despite the death of his son, Ernest Carroll continued to help with the station. ''When I got back and had not been discharged from the Marine Corps, I would drive up here from Beaufort—Paris Island—and for several months I kept listening when I'd come up . . . I knew what the frequency was going to be and hoping to hear it on the air. Actually, it was several months after I got up here (after my discharge) before we signed on.'' If his son could not be a part of the station, at least Ernest Carroll could see his son's dream come true.

December 14, 1944 was a bitter cold day. The staff arrived by 5 a.m. and awaited the 5:30 a.m. sign on. Al Drew asked Bob Carroll if he'd like to sign the station on for the first time. ''I was so thrilled. He was so gracious to do that, to have a young greenhorn come in and sign the station on was just prodigious. When Al signaled me, I threw the switch and said, this is WRHI in Rock Hill, South Carolina, 1340 on your radio dial, signing on for the first time.''

The staff understood that they were making history, but they also kept in mind the times. ''It was a very poignant sign on, because at that time there were still troops all over the world, and we were telling the listening population that we were remembering the men that were fighting on foreign shores all over the world, and wishing the best for them, and that the war would soon be over and things would come back to normal.''

At sign on, Jim Beaty was at the transmitter, and in the control room that morning was Al Drew, Fred Lowery, and Bob Carroll. As soon as they signed on, they started their normal schedule.

Ernest Carroll remembered the first day of broadcasting. ''I remembered the dedication ceremony quite well. We had special programs . . . had a good friend of mine from Fort Mill who was an expert pianist, and he played 'Danny Boy' for me. The station was dedicated to the boys who had lost their lives in the Second World War. That was the theme of it. Of course to me, that was really important. We got a lot of comment, publicity, and a good many people were kind enough to complement me on my dedication address . . . which I made over there and dedicated the station . . . The war was fresh then, you know . . . to those loss of lives. We had a good many here in Rock Hill who lost their lives in the Second World War.

''You know how wars are, like the little boy sliding down the roof and saying, ''God, don't let me say it, don't let me fall . . .'' People are very much that way, you know . . . they forget very quickly and for several years now . . . they don't believe George Washington slept here and all that kind of thing, then when the war comes against the military people are very prominent . . . right now they are held almost in contempt.''

When the station signed on, WRHI was independent, and filling the air time ''ran us ragged''. Later the station joined the Mutual Network before switching to CBS and finally ABC. Most of the programming was live and local, since transportation was expensive and rare. Most important were the early morning programs, focused on the listeners in the then predominately agricultural and textile community.

''It was a wonderful proving ground for a young man starting in radio, because you did get such a wide diversity of programs. You had to learn to do a little bit of everything.''

Fifty years later, WRHI continues to serve the community. In an age of AM stations loosing focus and going under, the current ownership took a hard look at Jim Beaty's original dream and realized that he was right. WRHI has remained a station that focuses on Rock Hill and serves the community. He understood his home town then, and made certain that the staff understood as well.

Bob Carroll spent his career in broadcasting, both radio and television. Yet one of the things he learned at WRHI stayed with him. Jim Beaty told him, never underestimate your audience. This is really true, and I think today that too many people do that.

Jim Beaty remained involved with WRHI until it was sold in the mid 1970s. Brother Bill returned from the war and handled the business side of the operation. Ernest Carroll and his wife, Virginia, sold their interest in 1947 to Harper Gault, a local newspaper writer. Years later, Carroll still regrets selling out, and considers his involvement with establishing WRHI as one of his significant achievements in a life filled with success in business.

1While WRHI ranks as a pioneer broadcaster, it represents more than just another radio station. It is the fulfillment of one man's dreams and a community's needs. The technology and programming have changed, but the basic thrust of serving the community has not. What made WRHI a success in 1944 continues to carry the station into its second half-century.

THE TRAGEDY OF LIBYAN CHILDREN INFECTED BY HIV/AIDS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LANTOS. Mr. Speaker, nearly six years ago 427 Libyan children were reported infected with the human immunodeficiency virus HIV in the al-Fatih Hospital in Benghazi, and more than 10 percent of these children have subsequently died. This is a tragedy of immense proportions.

Of course, this situation is best known in the context of the outrageous case that was brought against five Bulgarian nurses and a Palestinian doctor, who were falsely accused of infecting these children. These six individuals have now been convicted and sentenced to death, and on many occasions I and others of our colleagues have spoken out against this verdict and urged Libyan leaders to overturn this miscarriage of justice.

On this occasion, however, Mr. Speaker, I would like to express my deepest condolences to the Libyan families whose children have died from AIDS as a result of being inadvertently infected by HIV. I would also like to offer my deep and heart-felt sympathy to the families of those children who continue to suffer from HIV/AIDS. The most expert, objective investigation suggests that the cause of this human tragedy was sloppy hospital procedure, but my purpose here is not to assign blame but to shed tears.

Mr. Speaker, we must be able to separate our deep unhappiness about the verdict against the five nurses and one doctor from our deep sadness over the horrendous tragedy that befell these Libyan children. The lives of these children and their families have been changed irrevocably by this tragedy. Not the least aspect of this horror is the resulting social ostracism incurred in a highly traditional society. For example, many of these children have been forced to drop out of school because of local ignorance about the HIV virus.

In this regard, I want to commend the U.S. Liaison Office, USLO, in Tripoli and Chief of Mission Greg Berry for giving thoughtful attention to this issue. For example, USLO has brought leading AIDS authorities to Benghazi from the United States to advise the Libyans on AIDS treatment and related issues.

We must remain committed to helping win the freedom of the five nurses and one doctor who have been unfairly charged and punished for a crime they did not commit. But at the same time we must keep in mind and in our hearts the children and their families who have unfairly suffered this tragic fate which they did not deserve. I support the efforts of the USLO in Tripoli to ameliorate their pain and heal them, and I intend to work with the Administration to explore means to redouble those efforts in the weeks and months ahead.

PAYING TRIBUTE TO KAY WILLIAMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise to mourn the passing of Kay Williams from Glenwood Springs, Colorado. Kay recently passed away at the age of ninety this past Monday. She was known for her strong, independent will, unique sense of humor and avid enthusiasm for sports. As her family and friends mourn this loss, I believe it is appropriate to remember Kay and pay tribute to her memory before this body of Congress and Nation today.

Kay was born in Ontario, Canada, and educated in Windsor, Toronto and Florence, Italy. Her family often spent the winter months of the year in Naples, Florida, fishing for mangrove snapper, grouper and pompano. During

one of these trips, Kay met her husband Hank whom she married in 1941. As a wedding gift, Hank purchased a ranch in Canyon Creek, Colorado where they settled and operated a dairy cattle operation dubbed the H-Lazy-K. What initially started as a cattle ranch expanded into other areas including a successful guest ranch. Kay operated her Rock-n-Pines Guest Ranch until her death.

Kay was a sports enthusiast who took pleasure in golfing, fishing, and bowling, and was a devoted Denver Broncos and Colorado Rockies fan. In her spare time, she also enjoyed traveling, reading, knitting, and arranging flowers. Kay had a generous heart and told endearing stories to everyone she knew. She bettered the lives of those around her, and played host to many patrons of the guest ranch over the years.

Mr. Speaker, we are all terribly saddened by the loss of Kay Williams, though take comfort in the knowledge that our grief is overshadowed only by the legacy of kindness and generosity that Kay has left with us. I know that many throughout our state who had the chance to benefit from the opportunity of meeting Kay will miss her kind heart and generous spirit. My thoughts and prayers go out to her friends and family during this difficult time of bereavement.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, on November 17, 2004, I missed rollcall vote No. 532. Rollcall vote 532 was on H.R. 1417, the Copyright Royalty and Distribution Reform Act of 2004.

Had I been present I would have voted ''yea'' on rollcall vote 532.

PERSONAL EXPLANATION

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. MUSGRAVE. Mr. Speaker, it is with sadness that I inform you that my brother passed away this Wednesday morning, November 17. I returned home immediately that morning to be with my family during this time of loss. For this reason, I was unable to be present with my colleagues to take the final votes of the 108th Congress.

TRIBUTE TO LTC WILLIAM H. JEFFERSON

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Lieutenant Colonel William H. Jefferson on his retirement from the United States Army National Guard Office of the Chief of Legislative Liaison, United States Army, the Pentagon, Washington, DC effective December 2, 2004.

Lieutenant Colonel William H. Jefferson has distinguished himself by twenty two years of exceptionally meritorious conduct in the performance of outstanding service to the Army in a series of key positions as an Army Air Defense and Military Intelligence Officer, culminating in service with the Office of the Chief of Legislative Liaison responsible for liaison between the Army, Members of Congress, their personal staffs, and the professional staffs of the Senate Armed Services Committee and the House Armed Services Committee.

Lieutenant Colonel William H. Jefferson commissioned as a Second Lieutenant, Air Defense Artillery, after graduating from the United State Military Academy at West Point and assigned as an Improved Hawk Missile Defense Battalion, Platoon Leader in 3d Bn, 30th Air Defense Artillery in Germany and transferred to the Military Intelligence Corps where he served as an Intelligence Officer, Operations Officer and Company Commander for the 201st Military Intelligence Brigade and later served with the National Security Agency and then to the Northeastern Reserve Intelligence Support Center from 1996 to 1998.

Lieutenant Colonel Jefferson was selected and served as an Army Congressional Fellow for Congressman Jim Saxton of New Jersey's 3d District in 1999 and applied his legislative experience and missile defense and strategic intelligence expertise as a Hardware Congressional Liaison Officer in the Office of the Secretary of the Army, Legislative Liaison Programs Division from February 2000 through December 2004 maintaining a constant liaison with Professional Staff Members of the Senate and House Armed Services Committees on issues relating to Army Procurement programs focusing on Army Space and Missile Defense.

Lieutenant Colonel Jefferson has provided outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to both the Army and Congress. His actions and counsel were invaluable to Army leaders and Members of Congress as they considered the impact of important issues. Lieutenant Colonel Jefferson's dedication to accomplishing the Army's legislative liaison mission has been extraordinary. He is truly an outstanding officer who displays superb professional leadership skills and is totally dedicated to mission accomplishment in the highest traditions of military service.

LLOYD WILLIAMS: A HARLEM VISIONARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. RANGEL. Mr. Speaker, I rise to recognize and congratulate Mr. Lloyd A. Williams, an influential business and community leader who, for the past 30 years, has worked tenaciously toward the overall improvement and economic revitalization of Harlem. His contributions to the cultural life of our community have played a fundamental role in the renewal of Northern Manhattan.

For over 25 years, Mr. Williams has served as President of The Greater Harlem Chamber of Commerce, which is celebrating its 105th year of positive and productive influence in the community. With over 1,700 members, including several Fortune 500 companies, the Chamber's activism far exceeds the borders of New York City. The Chamber's primary focus is the improvement of the economic climate of Upper Manhattan while emphasizing the needs of the business, educational and cultural sectors.

The Chairman of Harlem Week, Inc. and the Harlem Jazz & Music Festival, Mr. Williams was a co-founder of the event dating back to its inception in 1974. Now the largest festival of its kind in the Northeast, the event, which began as a one-day festival, now spans an entire month and attracts over 3 million visitors. Harlem Week draws thousands of vendors from across the country, generating millions of dollars for the economies of Harlem and New York City.

Mr. Williams is a co-founder of the National Black Sports & Entertainment Hall of Fame. Since its creation, the group has inducted 25 extraordinary African-American sports and entertainment figures each year, while recognizing outstanding contributions by performers of all races. Former inductees include Quincy Jones, Harry Belafonte, Dionne Warwick, Joe Cuba, Julius ''Dr. J'' Irving and many others.

Mr. Williams is also the acting President of the Greater Harlem Housing Development Corporation, a group dedicated to attracting businesses and professional persons to relocate to the upper Manhattan area. The Development Corporation recently completed construction of ''Strivers Garden'', a residential and business complex that is expected to encourage further growth in Harlem.

Recently, Mr. Williams was honored for his tireless philanthropic efforts at the Museum of the City of New York's annual exhibition titled: ''Harlem is . . . Activism''. Joining Mr. Williams as awardees were Basil A. Paterson, Dr. Muriel Petioni and Percy E. Sutton.

It is the ever-growing list of accomplishments and works of excellence that defines Lloyd Williams as a leader in his community. Truly a pioneer in both the fields of culture and commerce, he has managed to harmoniously unite the two, providing opportunities for Harlem residents to thrive. There is no question that the long-term impact of Mr. Williams's successes will reach far into the future. The Harlem community, indeed all of New York City, owes a debt of gratitude to Lloyd Williams.

IN HONOR OF A1C JESSE SAMEK

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, Airman 1st Class Jesse Samek. Jesse, a 2001 Rogers High School graduate recently died in Afghanistan while honorably serving his country.

A flight engineer assigned out of Nellis Air Force Base, Jesse was killed on October 21 st, when his helicopter crashed during a rescue mission. The mission that day was to carry a wounded Afghan election worker to a medical facility. Jesse was a true hero who was literally protecting democracy.

I attended Jesse's funeral and the outpouring of love and respect from his community was overwhelming. Over 300 people were there to honor him.

Jesse joined the Air Force in February of 2003 and was assigned to the 66th Rescue Squadron, an elite group that qualified for rescue duty on a HH–60 Para Rescue helicopter. His mother said Jesse loved that his job was to rescue and save people.

Mr. Speaker, Airman 1st Class Jesse Monroe Samek, at the age of 21, made the ultimate sacrifice for his country. He is a true American hero. I ask my colleagues to keep Jesse's family and friends in their thoughts and prayers during these difficult times.

DEDICATION OF CPL LARRY E. SMEDLEY MEDAL OF HONOR HIGHWAY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MICA. Mr. Speaker, on October 30, a dedication ceremony was conducted in Orlando, Florida in honor of Corporal Larry E. Smedley at the Orange County Courthouse Plaza.

Corporal Smedley who died in combat in Vietnam in December 1967 is Orlando's only recipient of the Congressional Medal of Honor from that conflict. The ceremony conducted in our community was to commemorate the naming of a section of our Interstate 4 highway from Colonial Drive to State Road 436 in memory of this Central Florida hero. That section of our major thoroughfare was designated by an act of the Florida Legislature the ''Corporal Larry E. Smedley Medal of Honor Highway.'' It was my privilege to attend that ceremony and meet Corporal Smedley's mother Mary Smedley Smith, from Virginia Beach, his brother, Russell Smedley, from Orlando, Florida, and his sister, Valerie Smedley, from Orlando, Florida. I know I join all those in attendance at that ceremony and countless Americans who appreciate Corporal Smedley's heroism and his family's incredible sacrifice to our nation. It is my honor to include in the CONGRESSIONAL RECORD of the House of Representatives the outstanding and heartfelt remarks from The Honorable Anthony J. Principi, Secretary of Department of Veterans Affairs delivered at the dedication ceremony.

Good morning.

It has been said that ''True heroism is remarkably sober . . . It is not the urge to surpass all others at whatever cost, but the urge to serve others at whatever cost.''

History is defined by critical moments . . . sobering moments, costly moments . . . moments that are turning points in time. The United States of America has existed for less than three centuries. And throughout our history, we have been tested, time and again, by defining moments of conflict. Vietnam was one of those moments.

The men who fought there were young and untested. Citizen-soldiers from all walks of life . . . native-born and immigrants. From cities large and small . . . and from towns, villages, and farms. Yet they were bound together in a brotherhood whose lodestar continues to shine bright on an immutable truth given poetic definition by President Abraham Lincoln. ''Our reliance'' he said, ''is in the love of liberty. . . [and] in the preservation of the spirit which prizes liberty as the heritage of all men, in all lands, everywhere.''

And so the young Americans of more than three decades past fought with a gritty sense of purpose . . . fortitude . . . and, many times, sheer obstinacy. They were tested in the raging fires of adversity at Ia Drang . . . Hue . . . Khe Sanh . . . Pleiku . . . and in a thousand clashes and skirmishes remembered, now, only by those who fought them.

Those battles, known and unknown, prove one thing—there is the possibility for triumph . . . dignity . . . and great honor in even the most difficult, the most trying of circumstances. Especially when these qualities are rooted in men dedicated to each other and to the principle—not the objective—for which they fight. Men descendent of a common creed—One Nation, under God . . . and guardian of a common trust—Life, Liberty, and the Pursuit of Happiness. Men like Corporal Larry E. Smedley, United States Marine Corps, who served America and served others in the highest tradition of America's greatest patriots . . . and who paid the cost of that selfless service with the coin of incredible sacrifice.

The true mettle of those who love Liberty is tested in moments such as the December night in 1967 when heroism emerged in the jungles of Quang Nam Province . . . heroism larger than life itself . . . full with its attendant valor, purpose, and sacrifice.

Corporal Smedley's awe-inspiring bravery is the stuff of American legend. In him we see the mighty strengths and quiet virtues of the American spirit. In him we see the outward courage and inner character of the American soldier . . . sailor. . . airman . . . Marine . . . and Coastguardsman. In him we see the very best of what it means to be an American. Though we are poorer that he was taken from us, we are richer for what he so selflessly gave us.

By his devotion to country and to his comrades on that night so long ago, Larry Smedley joined the revered ranks of America's heroes from Valley Forge . . . Fredericksburg . . . Belleau Wood . . . Normandy . . . and the Chosin. Together, they wrote boldly . . . largely . . . and indelibly . . . across our great National chronicle of military history.

For the story of America is the story of America's defenders . . . in war and in peace . . . at home and abroad. A story whose chapters speak eloquently of Duty, Honor, and Sacrifice. A story whose words and phrases recount unbreakable bonds of camaraderie forged in service to country. Whose words speak softly of beloved family and friends, and lives forever changed by the wounds of war . . . and whisper of faithful comrades forever young, cut down in life's prime. It is the story of Corporal Larry E. Smedley, United States Marine Corps. A hero who served his country . . . who served others . . . and who stands tall in the most honored pantheon of American patriots.

By today's ceremony, the spirit [of] liberty that Lincoln extolled lives here, among Central Florida's towns, fields and groves so familiar to Larry Smedley, the young boy. And by this dedication, the indomitable spirit of Larry E. Smedley, the young Marine, lives here in perpetuity . . . amid the expanse of the ribbon of highway stretching to the unbroken horizon of America's Sunshine State.

On this day of dedication . . . at this time of remembrance and reflection . . . we honor great deeds . . . great achievement . . . and great personal fortitude. We honor the memory of an ordinary American who served America in the most extraordinary way.

As one who, like Larry, served in the Republic of Vietnam, I struggle today to find words that can give proper honor to the painfully short life of my brother-in-arms, Corporal Larry Smedley . . . knowing full well that words alone will never be enough.

And so, with your indulgence, let me close with the poignant words of the English poet, Laurence Binyon, whose poem ''For the Fallen,'' was written in honor of England's World War I dead. I read from it today in memory of America's fallen hero—Corporal Larry E. Smedley:

They shall not grow old, as we that are left grow old.
Age shall not weary them, nor the years condemn.
At the going down of the sun, and in the morning
We will remember them.

May God always bless America and the sons and daughters who so courageously defend her.

STATEMENT REGARDING IDEA CONFERENCE REPORT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. HONDA. Mr. Speaker, as a former teacher and principal, the issue of special education is very personal to me. I know firsthand that too many children in the United States are deprived of a quality education because the federal government has not met its commitment to special education.

That is why I give my qualified support to the conference report on the Improving Education Results for Children With Disabilities Act of 2003 (H.R. 1350). Above all, this legislation reaffirms that all children have right to a high quality education tailored to their needs, and that the federal government has an obligation to ensure that school districts and educators have the appropriate resources to provide it. Indeed, this conference report is a step in the right direction.

Every child learns at his own pace and our educational system must be able to accommodate the needs of each individual student. Accordingly, this legislation allows students, schools, parents, and teachers to focus more of their time and energy on the individualized education programs (IEPs), and less on paperwork and procedure. The effect will be a more stimulating and constructive environment for students.

The IDEA reauthorization conference report increases parental involvement in the education of children with disabilities. Parents will have more opportunities to consult with teachers to deal with problems in an early and effective way, without the need to go though formal due process channels. It provides Parent Training Institutes, where parents can learn to use the resources available to them when working with schools to get the best education for their child. Additionally, in fifteen states IDEA will implement a pilot paperwork reduction program to help expedite the development and execution of IEPs.

This bill contains provisions for early intervention for students with special needs and mandates ongoing updates on student progress. It allows students to stay in the same, specially tailored program throughout their entire educational career, even if they switch schools. This provision is especially

critical for the over one million children who find themselves homeless every year. Homeless children are four times more likely to suffer from disabilities. Allowing children to carry over their IEPs when they switch schools will go a long way in helping these children get the best education possible.

The IDEA reauthorization bill improves the handling of discipline and safety issues for students with learning disabilities. It requires schools to determine if a special-needs student's behavior is the result of the disability itself or of poor IEP implementation when determining proper disciplinary action. Further, children who are subject to discipline cannot be put into alternate placement for indefinite periods of time and cannot have their educational program suspended altogether. This is another important step forward in the education of special-needs students.

Although I support this conference report, I am disappointed that it does not fully meet the commitment made by the federal government to our schools. The federal government has promised to cover 40 percent of the cost of IDEA. In reality, federal funding has consistently fallen short by as much as half. When we in Washington fail to fulfill our pledge to children with special needs, our federal mandates roll the burden over to state and local entities that are often forced to divert money from other crucially important programs to keep promises that we have not. This is unacceptable and cannot continue.

Nevertheless, this conference report represents an important step forward in securing basic educational rights for children with special needs. I support the bill and I urge my colleagues to do so as well.

PAYING TRIBUTE TO HARRY BALLARD HARRIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker, I rise to pay tribute to Harry Ballard Harris, an outstanding gentleman and dedicated community member of Cisco, Utah. Harry has led a full life, including eighty years working as a cowboy and rancher and thirty years working for the State Highway Department of Utah. He recently celebrated his ninetieth birthday and it is a privilege to recognize his contributions to his community and his zest for life before this body of Congress and this Nation.

Harry grew up in Elgin, Utah, and began working as a ranch hand driving cattle at the age of sixteen. He worked for the Utah State Highway Department for thirty years in a remote area where sanding was shoveled by hand and medical care was not readily accessible. As a result, Harris became both a part-time medic and deputy sheriff. In 1975 he was awarded the outstanding male employee for his service to the state.

Harry also took river sediment samples for the Moab U.S. Geological Survey and received the John Campanius Holm award and the Thomas Jefferson award for providing weather information to the National Weather Service for more than thirty-seven years. He also served his community as an election judge and part-time school board member.

Harry married Wava Robb in 1937 and together they ran a small service station and the post office, where they encountered many interesting people from all over the world. There is even a Johnny Cash song that was inspired by an adventure in Cisco when Harry helped him change a flat tire.

After his wife's death in 1969, he married Ruth Maxine a few years later. Through their joint role working at the highway 128 service station they were named the 1986–1987 Tourism Ambassadors for the Canyonlands Travel Region. They promoted the area through colorful signs that talked of the scenic attractions of the area, recreational opportunities, locations of local churches and services to tourists and natives alike.

Mr. Speaker, Harry Ballard Harris is an outstanding member of his local Utah community who has served his local government and the people of Utah with dedication and pride for several years and remains a constant fixture of the lives of the people around him. I am honored to stand before this body of Congress and this Nation to recognize his life and service. Thanks for all your hard work Harry and I look forward to congratulating you on your 100th birthday!

PERSONAL EXPLANATION

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. McCARTHY of New York. Mr. Speaker, on November 16, 2004, I missed rollcall vote No. 531. Rollcall vote 531 was on recognizing the 60th anniversary of the Battle of the Bulge during World War II.

Had I been present I would have voted ''yea'' on rollcall vote 531.

TRIBUTE TO PAUL LELAND BATEMAN

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ROYCE. Mr. Speaker, I rise to pay tribute to Paul Leland Bateman, a constituent of mine from Cypress, California. Mr. Bateman passed away recently at the age of 94 from natural causes.

He was born in Redlands, California. He attended Gardena High School and participated in football and track. He went to Compton College where he also participated in football and track eventually winning a track scholarship to the University of Southern California (USC). At USC, he played on the 1931 and 1932 National Champion Trojan football teams under Howard Jones. As a member of the ''Thundering Herd,'' he helped to break Notre Dame's 26 game winning streak and chalk up the Trojan's first victory in South Bend.

He met his future wife, Ruth Loupe when he was the driver for her school bus at Compton High School. They married in 1932 and moved to Lynwood. Mr. Bateman taught at Lynwood Jr. High School beginning in 1939 and then transferred to Compton College where he taught physics and coached football, baseball, basketball and track for 33 years until his retirement.

During World War II he taught pre-flight ground school at Independence, California for the Army Air Corp. He also earned his wings, although he was never officially in the military.

He also worked as an engineering consultant in the development of specialized electrical motors for aircraft and aerospace applications. He owned and farmed dates at a large ranch near Hemet, California. Mr. Bateman was a life-long train hobbyist and traveled extensively on U.S. Railroads to see America.

Mr. Bateman participated in Compton Jr. Chamber of Commerce, served on a water board and was president of the Tanglewood Homeowners Association in Cypress, California.

He is survived by three daughters, Marcia Gilchrist, Patricia Pearce, and Linda Baham, as well as six grandchildren and four great-grandchildren. He is remembered for his achievements in athletics and engineering as well as his lifelong dedication to education.

GOODBYE, CONGRESSMAN QUINN AND CONGRESSMAN HOUGHTON

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. SWEENEY. Mr. Speaker, it is with sadness that I rise today to say goodbye to two of my mentors and friends, Congressmen QUINN and HOUGHTON.

When I first came to Washington, you both helped me find my way and helped me learn the ropes in the Congress. For that, I owe you both an enormous debt of gratitude.

JACK, you taught me that it is possible to strike a balance between Republican values and labor's needs. Essentially, how to be a New York Republican in Congress.

Since you've been here, you've always had the ability to distinguish between the political and the pragmatic, and you've built your reputation as a voice of reason in this sometimes-unreasonable world.

Your constituents always came first, and if your successor can serve the twenty-seventh district of our great state of New York remotely as well as you have, they will be in good hands. Well done, my friend.

Congressman HOUGHTON, you sir, are the epitome of the American statesman. Frankly, your many accomplishments speak for themselves, and your long and distinguished record both in business and in government guarantees you a place in the Pantheon of New York's public servants.

You have much to be proud of, but I suspect your finest hour came with passage of the Liberty Zone Act, which provided billions to help our fellow New Yorkers in Manhattan rebuild from the rubble of the 9/11 attacks. For that, all New Yorkers owe you their sincere thanks.

AMO, JACK, I wish you nothing but the best as you leave the Congress today, having done a great service to America.

Your constituents thank you, our Nation thanks you, and as you return home, finally able to spend more time with your beloved families, I wish to convey the thanks of the family you're leaving behind here in Washington.

It has been a pleasure and an honor serving with both of you, and this is one tough New Yorker who's not afraid to say ''I'll miss you''. Farewell, old friends.

RECOGNIZING THE MISSISSIPPI MILITARY COMMUNITY FOR ITS SUPPORT DURING HURRICANE IVAN

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PICKERING. Mr. Speaker, I would like to share with Congress the actions of some of Mississippi's often unsung heroes and their recent efforts in the face of a mighty storm.

The damaging effects and extraordinary loss caused by Hurricane Ivan cannot help but make a lasting impression on anyone who sees them. For those of us who love the Gulf Coast, with its deep beauty and usually gentle but sometimes ferocious character, this is especially poignant. We also understand the value of community when facing a disaster like Hurricane Ivan. Although many contributed to the preparation and recovery from Ivan, I would like to take a moment to recognize an extraordinary group of our neighbors that never seek recognition: our Mississippi military community.

On the Mississippi Gulf Coast, during the 2004 hurricane season, the 53rd Weather Reconnaissance Squadron once again earned the right to call themselves the ''Hurricane Hunters.'' The 53rd flew nearly every day after July 30th, sometimes into two different storms simultaneously. Because of their courage and professionalism, those of us back home and across the nation were able to track Ivan, properly prepare our communities, and—as the 53rd has allowed us so many times in the past—save lives.

The Naval Air Station Meridian Team of military, civilians and contractors worked selflessly and shoulder to shoulder to provide a safe haven for those caught in Ivan's path. Station aircraft were sortied or otherwise safeguarded. NAS Meridian provided Air Traffic Control and refueling services to over 90 aircraft evacuating Whiting Field in Milton, Florida. They provided food, shelter and support throughout the storm to over 1,000 evacuees and 100 pets. Neighbors rose to the occasion to make sure there was room for everyone. Many families living in base housing opened their homes to friends and comrades from Gulf Coast units. In Ivan's aftermath, evacuees were assured care until it was safe to return to their homes in south Mississippi and coastal Alabama and Florida. Station crews went immediately to work with their neighbors to care for the community. Most impressively, this team of highly dedicated and skilled professionals fully restored the base to resume the business of the nation within hours of the storm's passage.

As Ivan approached, Columbus Air Force Base crews were hard at work providing a safe location for Coast Guard aircraft caught in the path of the hurricane. The Federal Emergency Management Agency also recognized that Columbus had a great deal to offer and quickly established a staging area on base. Evacuees seeking refuge in north Mississippi were also assured shelter. Just like at NAS Meridian, the outstanding staff and base volunteers went immediately to work and quickly restored their base and community moments after the storm passed by.

Our National Guardsmen continue to inspire and impress. With nearly half of Mississippi's Guard troops mobilized in support of Operations Noble Eagle, Enduring Freedom and Iraqi Freedom, our Adjutant General made available the state's remaining forces to support those along Ivan's projected course, as well as in communities devastated by previous storms in Florida. In south Mississippi, troops were arriving long before Ivan made landfall. After the storm, our Guard made a tremendous difference in getting badly required relief to those who needed it most. Regardless of the threat, I take great comfort in knowing our Guardsmen are on the job looking after us here at home and abroad.

We Mississippians have repeatedly witnessed the unique capabilities of our SEABEES across the globe and over the years, but we will always remember their support after Hurricane Camille ravaged our state in 1969. Although we were fortunate to not bear the brunt of Ivan, our Gulfport SEABEES proved they were there for those that did. I was most impressed with their ability to, within 18 hours of Hurricane Ivan's passing, put large numbers of people, equipment and logistics support from the Construction Battalion Center Gulfport on the most critical disaster recovery and service restoration missions at NAS Pensacola. We Mississippians are proud of our SEABEES, deployed in Iraq and elsewhere around the world, and know from first hand experience that they will always be true to their motto ''with Compassion for others—we build, we fight—for peace with freedom.''

In peace or war, against the terrors of evil men or the ravages of nature, Mississippians seek to secure our homes and neighbors from danger. From Columbus to Keesler and Pascagoula to the Stennis Space Center, Mississippi continues to show that we have the full military package: our citizens serve bravely in our armed forces both domestically and abroad; our bases train and prepare our nation's top pilots and troops; our universities provide cutting edge military research and technology; while our manufacturers produce vehicles, radar and aircraft our forces need for their missions. In my district, I am particularly proud to count as neighbors the Navy's finest advanced jet-training base and two of the National Guard's premiere air wings. Our individual Mississippi National Guardsmen do tremendous work every day to safeguard the defense of our great nation. We Mississippians greatly appreciate that the patriots who so nobly operate our bases are also the neighbors who stand with us in the face of terrorism and disasters like Hurricane Ivan. To them I offer my gratitude, and the thanks of their fellow Mississippians.

HONORING TOM FOGLIETTA

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. DeLAURO. Mr. Speaker, I rise to honor a colleague and friend who passed away this week—someone who left a profound mark on his community, his Nation and this institution. No one could deny the dedication and passion that Tom Foglietta brought to life—whether it was for working people, for friends or for our friends in the international community. He was special—a man with a common touch and high ideals.

With Tom, you always knew you were with someone who would fight—who was with you until the end regardless of the odds or the politics of the matter. As I reflect on his time in the Congress, I remember a man who understood what it meant to bring the values of his constituents to Washington.

When his district changed from being predominantly white to overwhelmingly African-American, I remember how Tom made that transition so effortlessly—how he worked to establish himself with his new constituents and make sure they knew that representing them—their hopes, their dreams—was his number one priority. They learned what we all knew—that whether you had just met Tom or knew him for decades, when he looked you in the eye and gave his word, you had his word. You took it home.

And nothing represented that commitment like the way he fought to keep the Philadelphia Navy Yard open. Even as everyone believed it was sure to close, Tom continued to bring back Federal money to the yard—much, as I understand, to the surprise of even the Navy itself. But it was what he did once the Commission finally decided to close the yard that showed Tom Foglietta was not only a man of the people but also a man of real vision.

First, he went down to that yard and announced the closing before a sea of angry workers. I think everyone in this body understands how extraordinary that can be—facing the people head-on, delivering bad news.

Then, while others were still in denial, Tom put all his efforts into doing something even the shipyard workers had not yet embraced. Rather than fighting what he knew was a losing battle to keep the yard open, he went ahead, full-steam, to transform it into an economic resource for the community—a technology and business incubator—and secured a $50 million appropriation for the yard's conversion.

Today, that yard employs 6,000 Philadelphians—some of whom even use the old docks to work on ships. Nobody believed it was possible. But Tom Foglietta did. Whether it was modernizing the shipyard or involving the Army Corps of Engineers when an African-American neighborhood in Philadelphia had homes that were literally sinking into the ground, he knew that fighting for people was not just a matter of perseverance. That it was also a matter of foresight, creativity and vision.

A fellow Italian-American, Tom and I often discussed how it was our parents' example serving on our respective city councils—his in Philadelphia, mine in New Haven—that inspired us to enter a life of politics and give back to the communities that had given us so much. He knew that preserving our heritage was a matter of values, which is why as a Member of Congress he took on the fight back home to create Christopher Columbus Boulevard in south Philly.

When he become Ambassador to Italy, Tom made and kept a commitment to visit every province in Italy. To Tom, Italy was not some

foreign place—it was his new district. When the First Lady introduced the Save America's Treasures project, Tom worked to raise private funds to preserve Christopher Columbus' childhood home in Genoa. In truth, it would not be the last time his passion for the job would make officials in the State Department crazy.

I will never forget his signature moment—when he knelt down in prayer for the victims in the Cavalese cable-car tragedy, sending a powerful message to the world that America weeps for the sons and daughters of its allies are as if they were our very own. In turn, the Italian people loved him as he loved them.

Throughout his entire career, whether it was his work in Italy, to secure the peace in Haiti or to forge democracy in South Korea, Tom Foglietta understood that America's role in the world was rooted in moral leadership—in common values, humility and humanity.

I will miss his moral leadership—we all will. But perhaps above all, I will miss his friendship. I will miss eating pasta with gravy, his cooking in my kitchen and those dinners with the gang—with Tom and NANCY PELOSI, BARBARA BOXER, DICK DURBIN, SAM GEDJENSON, CHUCK SCHUMER, ANNA ESHOO, TOM DOWNEY, GEORGE MILLER, and MARTY RUSSO. We could always rely on Tom to do something to spice the night up—whether it was something he would say or him hiring a ragtag band to play a party that only he could love. He was fun—he was warm. He was our friend.

Grazi, Don Tomaso—your passion for people knew no bounds. For that, you will forever be in our hearts.

PAYING TRIBUTE TO LOTTE BRESNITZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MCINNIS. Mr. Speaker, I rise to mourn the passing of a kind and caring woman from my district. Lotte Bresnitz, a longtime community activist and dedicated nurse recently passed away at the age of eighty-five in Aspen, Colorado. She was a kind and generous soul and it is a privilege to recognize her life and service before this body of Congress and this Nation today.

Lotte was born in Nuremberg, Germany and immigrated to the United States in 1938, where she made her home in Cincinnati. She studied to become a registered nurse, and during her studies met and eventually married Kurt Bresnitz. After Kurt was honorably discharged from the U.S. Army, the couple moved to Denver where Lotte took a job as the head nurse in the emergency room at Rose Memorial Hospital. In 1950, while Lotte and Kurt were on vacation in Aspen, they fell in love with the town and decided to relocate. Lotte worked as the head nurse at the Aspen Hospital and Kurt opened a Jewelry Store. After the birth of their two children, John and Carol, Lotte retired to become a full-time mother and continued to volunteer with organizations like the League of Women Voters, and the Senior Citizens Council.

Mr. Speaker, Lotte Bresnitz was an endearing woman whose five decades of volunteer work throughout the Aspen community made her one of the most recognizable faces in the area. I am honored to stand before this body of Congress and this Nation today to recognize her outstanding record of service. My thoughts and prayers go out to her friends and family at this difficult time of bereavement.

HOMECARE PROVIDES VALUE FOR AMERICANS' HEALTH CARE DOLLAR—GOOD REASON TO CELEBRATE NATIONAL HOMECARE AND HOSPICE MONTH

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FOLEY. Mr. Speaker, homecare presents—a tremendous value for Americans' healthcare dollar. Homecare provides a family-friendly, clinically proven way of receiving quality healthcare for millions of Americans where they prefer to receive care—at home. November, National Homecare and Hospice Month, is an opportunity to recognize the importance of homecare as an essential component of healthcare in the United States.

This important segment of the health care continuum allows patients with medical needs to remain in their homes, including those who are recovering, disabled, chronically or terminally ill who need medical, nursing, social, or therapeutic treatment.

Homecare represents a family value and a value for families. It's about quality healthcare and quality of life for at least 8 million households across the United States.

Recent studies of homecare services support the following conclusions:

Homecare for selected conditions can shorten inpatient hospital stays.

Homecare can reduce the overall costs of care without compromising outcomes.

Homecare can improve clinical outcomes including mortality. This improvement can be striking in degree.

Homecare can improve patient and caregiver satisfaction.

Homecare can improve functional independence and reduce the risk of institutional placement.

For Medicare beneficiaries with selected conditions, formal homecare is the most cost-effective strategy for achieving functional improvement compared to in-patient rehabilitation, nursing-home-based rehabilitation, and discharge to home without formal homecare services.

Homecare is expected to grow in the years ahead because of several large-scale trends:

The American population is rapidly aging. The 85–and-older group is the fastest-growing segment of the U.S. population.

Advances in technology allow virtually every service short of surgery to be delivered at home.

Homecare does not require brick-and-mortar investments since it's provided at home.

So today I join homecare patients and caregivers throughout the United States in celebrating National Homecare and Hospice Month.

NATIONAL ADOPTION MONTH

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to celebrate National Adoption Month.

As an adoptive parent of two little girls, I have personally felt the unspeakable joy that comes from welcoming a child into your home and family. The knowledge that you are giving hope and opportunity to a boy or girl who might otherwise have none is inspiring and uplifting.

In fact six in ten Americans have had a personal experience with adoption—meaning they, a family member, or a close friend was adopted, has adopted, or has a placed a child for adoption. As we near the holiday season, it warms my heart to know that so many people's lives have been made better by experiencing the joy that adoption brings.

Adoption is an issue that people are willing to talk about, but when it comes to getting personally involved, many back away. According to the Dave Thomas Foundation for Adoption, based in my hometown of Columbus, Ohio, 63 percent of Americans have a ''favorable opinion'' of adoption, and 78 percent think more should be done to encourage adoption. But acting on those feelings tends to be more difficult. The typical reaction is that ''someone else will do it.'' Unfortunately for the 120,000 children across the country currently in foster care, that is not the case. Though there are millions of suitable parents, many do not engage in the adoptive process for fear they are not up to the task of parenting an adoptive child or because they think adoption is a costly and unmanageable process.

But we still have more work to do. In July, the Department of Health and Human Services launched the first ever national public service campaign to encourage adoption. This new initiative, produced in conjunction with the Ad Council and the Adoption Exchange Association, will highlight older ''special needs'' children who need permanent homes. ''Special needs'' means they are children who, for various reasons, have a harder time finding families willing to adopt them. Often special needs include factors such as physical or health problems and ethnic or racial background. Other times, a group of siblings needs to be adopted together. Fifty-three percent of foster children are between the ages of 8–17, and the need to connect these youth with permanent families is significant.

You do not have to be rich, married, highly educated, or a homeowner to adopt a child. Children don't need perfect parents, just individuals who are willing to open their hearts and homes and make a life-long commitment to love and nurture a child.

I am proud to join my colleagues today in honoring National Adoption Month.

HONORING JOHN D. RINGLE AND T. MAXINE RINGLE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker I rise today to honor John D. Ringle and T.

Maxine Ringle for their contributions to Fairfax County, Virginia.

In the mid-1960's and 1970's, much of the Fairfax Station and Clifton areas of the Occoquan Watershed were zoned by Fairfax County for one-acre residential lots. During this time, there was little local public consciousness of the benefits of maintaining the rural nature of the land in order to protect the quality of the drinking water supply from the Occoquan Reservoir.

John and Maxine Ringle owned a substantial portion of the land in Fairfax Station and Clifton and were free to direct the division of that land into one-acre lots. Developing this land would have led to extensive construction, a network of new roads, deforesting the wooded area, and irrevocably destroying the rural nature of this area of Fairfax County.

The Ringles recognized the unique nature of this extensive undeveloped area and envisioned it as a limited-development area where its natural beauty could be preserved. Owners could enjoy the amenities of a rural life while living only a few minutes from the urban offerings of Fairfax County, Virginia and the Washington, DC Metropolitan Area. John and Maxine had the foresight to protect this rural area by creating eleven separate developments with five-acre lots and establish binding covenants to preserve this lot size.

In 1982, the Fairfax County Board of Supervisors, downzoned 41,000 acres in the Fairfax Station and Clifton areas to legally establish a natural protective buffer area in the watershed of the Occoquan Reservoir, currently the source of water for over a million Northern Virginia residents. Without the vision and actions of John and Maxine Ringle in the preceding decades, Fairfax County would not have been able to enact this downzoning which continues to protect and preserve the Occoquan Watershed and Reservoir for Northern Virginia residents.

The Fairfax County Board of Supervisors proclaimed July 26, 2004, as John D. Ringle and T. Maxine Ringle Day. This honor truly is well deserved.

Mr. Speaker, the Ringle's visionary and environmentally sound approach to the development of the Occoquan Watershed enabled Fairfax County to ultimately preserve the Occoquan Watershed and Reservoir for the benefit of all residents. I ask that my colleagues join me in commending John and Maxine Ringle.

RECOGNIZING NATIONAL HOMECARE AND HOSPICE MONTH

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to recognize November as National Homecare and Hospice Month. National Homecare and Hospice Month is an opportunity to recognize the importance of homecare as an essential component of healthcare in the United States. While most of us formally recognize homecare and Hospice one month out of the year, individuals and families across our Nation that utilize these services realize the importance of homecare and Hospice each and every day.

Homecare provides a family-friendly, clinically proven way of providing quality healthcare for millions of Americans and homecare has become an increasingly important part of our health care system. The highly skilled services that these caregivers provide have enabled millions of our most frail, older and disabled citizens to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes.

In a rural district, such as Oregon's Second Congressional District, which encompasses over 70,000 square miles, including two counties with no physicians, accessing healthcare service can be challenging. There are 23 homecare agencies serving the 20 counties of Oregon's Second Congressional District. In some parts of Oregon, homecare professionals are the only source of healthcare services. The tremendous dedication and compassion of these professionals truly deserves the recognition of November being named National Homecare and Hospice Month. The care they provide is truly invaluable and allowing individuals to remain in their homes and close to loved ones is priceless.

Because homecare is so crucial to rural areas, I introduced the Medicare Rural Home Health Services Improvement Act (HR 4902). This bill would ensure that homecare providers that serve patients in rural areas will continue to receive a 5 percent add-on payment through 2007. This measure recognizes that the delivery of homecare services in rural areas is more costly because of the extra travel time required to cover long distances between patients. Longer travel times mean that rural caregivers have to devote more time to each patient and are also unable to make as many visits in a day as their urban counterparts. If the extra rural payment is not extended, agencies may be forced to turn away rural patients with the greatest care needs.

Nationwide, homecare represents a family value and a value for families. It's about quality healthcare and quality of life for at least 8 million households across the United States.

According to reports issued by the Medicare Payment Advisory Committee and other independent observers:

Homecare for selected conditions can shorten inpatient hospital stays.

Homecare can reduce the overall costs of care without compromising outcomes.

Homecare can improve clinical outcomes including mortality. This improvement can be striking in degree.

Homecare can improve functional independence and reduce the risk of institutional placement.

For Medicare beneficiaries with selected conditions, formal homecare is the most cost effective strategy for achieving functional improvement compared to in-patient rehabilitation, nursing-home-based rehabilitation, and discharge to home without formal homecare services.

Homecare is expected to grow in the years ahead because of several large-scale trends:

The American population is rapidly aging. The 85–and-older group is the fastest-growing segment of the U.S. population.

In the near future, advances in technology will allow virtually every service short of surgery to be delivered at home.

Homecare does not require brick-and-mortar investments since it's provided at home.

Homecare is a critical component of our healthcare delivery system; so today I join homecare patients and caregivers throughout the United States in celebrating National Homecare and Hospice Month.

RECOGNIZING MR. JOE DAMORE FOR HIS SERVICE TO SPARROW HOSPITAL IN LANSING, MI

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize Mr. Joe Damore for his outstanding leadership and commitment to improving healthcare as the President and CEO of Sparrow Hospital and Health Systems in Lansing, Michigan. Mr. Damore has led the Sparrow Health System to its success as one of the top healthcare providers in the greater Lansing area. Since his arrival in 1990, the Sparrow Health System has become mid-Michigan's first and only Level 1 Trauma Center, and increased its medical staff from 500 to 850 physicians. Under the direction of Mr. Damore, the Sparrow Health System has expanded its residency programs with Michigan State University, allowing young health professionals to gain the valuable experience needed for the future, while providing quality healthcare to mid-Michigan residents.

The Sparrow Health System has a mission to provide quality, compassionate and affordable healthcare to the residents of mid-Michigan. In the past fourteen years of dedicated service, Mr. Damore has guided the Sparrow Health System to exceed this mission with expanded facilities and increased inpatient admissions from 18,000 to 29,000 per year. It is because of his exceptional leadership and success that we offer Mr. Damore a fond farewell as he has been offered a position as the President and CEO of Mission Health and Hospitals in Asheville, North Carolina. Mr. Damore will certainly be an asset to the Asheville healthcare community.

Mr. Speaker, during his tenure at the Sparrow Health System Mr. Damore has brought affordable and superior healthcare to the residents of mid-Michigan. I ask my colleagues to join me in recognizing Mr. Joe Damore for his extraordinary commitment and dedication to provide top quality health services, and to wish him success in all of his future endeavors.

PAYING TRIBUTE TO SHIRLEY BOWEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MCINNIS. Mr. Speaker, I would like to recognize Shirley Bowen as she embarks on a well-deserved retirement from Colorado Mountain College. Shirley has served the college for almost four decades and her leadership has made a significant difference in the development of Colorado state policy, testing procedure, and state-wide curriculum. It is my pleasure to congratulate Shirley before this

body of Congress and this Nation on a job well done.

Shirley began at Colorado Mountain College as a secretary and was later promoted to director of the college's Carbondale operations before she became the associate dean of Developmental Education and Special Programs in 1991. In that role, she has been instrumental in facilitating developmental education program that transforms the lives of students everyday. Shirley is known for her excellent managerial skills and has lead her peers and colleagues by example.

Mr. Speaker, it is an honor to bring Shirley Bowen to the attention of my colleagues before this venerable body. I would like to join all the Colorado Mountain College faculty, students, and administration in wishing Shirley luck in a happy and productive retirement. Administrators like Shirley who embody the passion of teaching our nation's youth are an invaluable asset to this community and I am sure that everyone at Colorado Mountain College will miss her. Congratulations, Shirley, and I wish you all the best in your future endeavors.

CHARLES AND MARLENE BEISWANGER STATEMENT

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CARDOZA. Mr. Speaker, it is with the greatest pleasure that I rise today to honor Charles Foster and Marlene Anne Beiswanger on the occasion of their 50th Wedding Anniversary. Chuck and Marlene were married on October 16, 1954 and celebrated their Golden Anniversary on October 16, 2004.

Charles Foster Beiswanger is the son of William and Meta Beiswanger of Havertown, Pennsylvania. He was stationed at Castle Air Force Base in Atwater, California during the Korean conflict, at which time he met his wife Marlene Anne Zirker, daughter of Jesse and Doris Zirker of Merced, California.

Mr. and Mrs. Beiswanger have been residents and respectable business owners of Merced, California for many years. As owners of Tioga Florist, Chuck and Marlene contributed greatly to the economic vitality of the community of Merced. They owned and operated Tioga Florist until 1985, at which time they sold it to their son, Foster. Having been provided with a solid foundation, the shop remains a thriving family business today.

In addition to establishing and maintaining a successful business, Chuck and Marlene are responsible for creating a beautiful family. Their three children have grown and married, and have begun families of their own. Today, the Beiswanger family consists of their eldest son Charles Foster, Jr. and his wife Lydia, their daughter Joanne, and her husband Ray, and their son Scott and his wife Iris, as well as, six grandchildren with a seventh expected to arrive in 2005. I would like to recognize each of these individuals as they all play vital roles in this remarkable family that the Beiswanger's have founded.

It is my honor and privilege to join Chuck and Marlene's family and friends in recognizing the very special and momentous occasion of their 50th Wedding Anniversary. Our community benefits greatly from the splendid example they have set. Marriages such as theirs form a sound foundation for our country, and contribute greatly toward making this a better world in which we live. I ask all of my colleagues to join me in offering Mr. and Mrs. Beiswanger best wishes for continued happiness.

HONORING THE LATE GLENN DAVID MARTINEZ

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. BORDALLO. Mr. Speaker, I rise to honor the late Glenn David Martinez, a member of the ''Greatest Generation'' who passed away earlier this year. Glenn was a proud Chamorro with a great faith in God and a dedication to his island home and his country. Glenn was a fighter pilot during World War II serving in the Pacific theater with the U.S. Army Air Corps, now known as the U.S. Air Force. It is with great sadness that I inform this body of his death.

In honor of his memory, I am submitting for the RECORD a special tribute to Glenn written by his close friend, Mr. Joe M. Bamba, formerly of Agana Heights, Guam, which was delivered at Glenn's memorial service on Guam.

I am indeed privileged and honored to be asked by the family to say a last ''adios to Glenn''. As I tried to assimilate my thoughts to pay our last and final respects to such a fine and wonderful friend, husband, father, grandfather and brother, I wondered sometimes whether I would be able to adequately, truly, and justly convey my thoughts into words which Glenn richly deserves.

Although I knew of Glenn's reputation and heroism when we were in Guam, I was more intimately aware of Glenn, the person, when he relocated and lived in South Florida. There, we developed an exceptional kinship and fellowship. We shared few secrets here and there and we belonged to a group of fellow Guamanians in the area. In fact, he was the most eligible bachelor at that time. He was a sensitive, real down to earth, and easy to get along guy once you got to know him. He was, however, very selective with whom he wanted to associate. He often spoke of the need for our Chamorros to work together and continue to maintain our customs and culture.

In spite of his exploits and feats in the service of his country during World War II, you never heard him brag of such heroic accomplishments. In other words, in our vernacular, TI BANIDOSO. He was one of the few Guamanian Officers of the ''Greatest Generation'' in the service of his island home and country. Because of his health situation and ultimately his death, he would never see the beautiful and hallowed national World War II Memorial in Washington, D.C., dedicated to the World War II veterans.

As a veteran, Glenn could have opted to be buried at the venerated and internationally renowned Arlington National Cemetery, but instead he decided to make Guam his final resting place and to be near his family who predeceased him. As the saying goes, you can remove a Guamanian from Guam, but you cannot remove Guam from a Guamanian.

When Glenn left South Florida to visit Guam, he returned and brought with him his new wife, Chilang. At that time, we were celebrating the Guam Liberation Day Festivities. He introduced Chilang as ''The Wind Behind His Wing'' and she deservedly so earned that title.

I talked to Glenn by telephone often during the critical months before he passed on and he politely discouraged us to visit with him. Finally, he agreed to allow my wife and me to see him about a week before he died. We talked about the news of the day and he told me that three months ago, he was playing and enjoying his golf. Not once did he mention the pain he was experiencing so as to make us feel uncomfortable. I observed that he was ready to accept what was terminally happening to his body. For his peace of mind, great credit is due to Chilang; his daughter, Linda Chuckman and her husband, Alex: the local health professionals, who supported him; and his pastor, Father Jeff McCormick, who consoled and prayed with him. At the memorial service in South Florida, Father Jeff celebrated the service and Alex gave a heart warming and remarkable eulogy for Glenn.

Glenn, as a member of the military, you were familiar with the military parlance, ''Permanent Change of Station'', commonly called ''PCS''. You took those orders from your Supreme Commander, that is, the change from living on this earth to one of eternity with your beloved family, who previously passed on and who are with God. Such orders from your Supreme Commander, who is God Himself, have never been countermanded or changed. Glenn, as you leave us mortals behind to join your creator, we cite one of the passages of Matthew, ''Ask and you will receive; Seek and you will find: Knock and it will be opened to you. For the one who asks, receives. The one who seeks, finds. The one who knocks, enters.'' This, my friend, we pray as you enter the Kingdom of God. Adios for now.

REPUBLICAN FISCAL MISMANAGEMENT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MORAN of Virginia. Mr. Speaker, this Republican leadership has presided over a historical fiscal reversal from record surpluses to now record deficits. Their lack of fiscal discipline has placed our economy in a precarious position and straight jacketed future policy options.

The most troubling aspect of this policy is that they are giving the current generation, especially the most wealthy, a free lunch while they run up debts that they have consciously decided to pass on to our children. At the current debt level, each newborn child inherits $85,000 in interest on the debt. This so-called ''baby-tax'' will rapidly increase unless we restore some sanity to our budgetary policies and practices.

The lack of a surplus makes it even more difficult to solve the impending bankruptcy of Social Security and Medicare, or even to enact a Republican tax reform agenda.

PATTERN OF FISCAL MISMANAGEMENT

Time and time again, this leadership has chosen to disregard its fiscal responsibilities and ignore signs of impending fiscal crisis in the hope that the problem will fix itself, or disappear altogether.

Clearly a policy of avoidance doesn't work, and it's certainly not what the American people expect from its elected leaders. You can't

simply stick your head in the sand and expect market forces to balance the national budget. That's the Congress' responsibility.

I can cite example after example illustrating how this leadership cares little about our Nation's fiscal state of affairs.

The pay-as-you-go rule, PAYGO, the budget enforcement mechanism devised to reign in deficits, worked very effectively in the nineties to bring the budget into balance and restore surpluses.

After PAYGO expired, the House leadership squandered multiple opportunities to renew it and refused to take action. It's no coincidence that we've seen record high deficits in the last 2 years.

And now this Congress is backed into a corner and forced to take action to raise the debt ceiling for the third time in 3 years, another record.

WORRISOME SIGNS IN THE INTERNATIONAL CURRENCY & DEBT MARKETS

The Bush administration and leadership in the House say deficits don't matter, but in truth they do matter, and we are now staring crisis in the face. There is near unanimity among economists that our Nation's fiscal imbalance could put us in real economic peril.

In a study published just 2 weeks ago, economists Maurice Obstfeld and Kenneth Rogoff warned of ''current account collapse'' sparked by withdrawal of funds from international investors. They said that this issue should be ''problem number one on the President's international financial agenda.''

Alan Greenspan's comments today confirmed brewing concerns about the weakening dollar and decreasing appetite among international investors for ''adding to [their] dollar balances.''

We must heed these warnings and get our financial house in order or the delicate house of cards constructed by this Administration and Congressional leadership will come tumbling to the ground, and all Americans will pay a hefty price.

Already there are signs that the dollar's value is declining and other currencies, primarily the Euro, are slowly replacing the dollar as the favored currency among international investors. This week, the dollar reached an all time low against the Euro—one Euro is now worth $1.30.

Our nation needs to borrow around $2 billion a day, and 92 percent of debt securities sold over the last 4 years have gone to foreign countries. So obviously we rely heavily on foreign investment. The question is what happens if those countries abandon the dollar for another currency?

If foreign governments like China decide to divest its U.S. currency holdings; the consequences would be serious, especially considering the massive purchases by the Chinese Central Bank ever the last few years. In 2003, dollar purchases by foreign central banks were $617 billion, compared to $352 billion the year before. Total reserves of the emerging Asian countries rose by more than $350 billion between March 2003 and March 2004. Japan and China alone currently hold close to a trillion dollars of U.S. debt.

Unlike in years past, we cannot assume that no other currency comes close to rivaling the dollar's strength. The emergence of the Euro substantially changes the international currency market, because, despite the soundness and stability of the dollar, the Euro has become a true alternative, backed by reasonably sound monetary policies.

So the largest holders of foreign currencies in Asia could change their preference purely on the basis of financial, not political considerations.

This scenario is unraveling right now. Asian countries believe that our exceedingly high deficits are untenable and threaten the American economy. They worry that more buying could in turn destabilize their own economy.

Consequently, we increasingly find ourselves in the precarious position of having to convince these foreign governments to continue their purchasing.

CONCLUSION

The leadership has apparently backed away from its initial plan to include the debt ceiling increase in an omnibus appropriations bill. Hiding the debt ceiling increase in a larger bill would be a mistake because it would undermine the purpose of the statutory requirement—accountability. Members of Congress should explain their decision to increase the national debt. The American people deserve to know what's going on.

The Republicans succeeded in framing the recent election in terms of cultural, moral and religious values. Democrats believe that balancing the Nation's books is a moral issue. If the Republican leadership believes that the American people will continue to be distracted by ''moral'' wedge issues while they run up debts that will bankrupt the Social Security and Medicare trust funds and significantly harm the quality of life of all Americans, they are seriously mistaken.

As Democrats step up efforts to fully inform the American people about the magnitude of Republican fiscal mismanagement, I am confident that most will put aside their cultural and religious differences in favor of an overriding value: economic security.

Despite larger working majorities in the House and Senate, I do not plan to subordinate my views and positions to accommodate this temporarily dominant majority. There will still be opportunities in the 109th Congress to advance an alternative and more fiscally responsible budget. I will continue to engage in this crucial issue and look forward to receiving your views on this and other matters in the future.

PAYING TRIBUTE TO CELIA DUNHAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker, I rise to pay tribute to Celia Dunham, a talented and dedicated teacher who has been nominated for the Colorado State Board of Education's 2005 Teacher of the Year award. Celia has demonstrated a strong passion and devotion to educating our youth in one of our most important occupations for 31 years. It is a privilege to stand here today before this body of Congress and this Nation and honor her impeccable record of service.

Celia's initial decision to become a teacher came from her experience with a pilot program teaching inner city kids in college. It was here that she learned the important difference that teachers make everyday in the lives of their students—a mantra that continues to influence her teaching today. Celia is a firm advocate of engaging students, parents and teachers in a partnership to allow students to achieve their full potential. To attain that goal, she has worked to create caring, respectful environments that encourage kids to take responsibility for their own learning. Her position as a role model for her students epitomizes the positive attitude about education that is necessary for a successful teacher.

Over the course of Celia's work in Steamboat Springs, she has been heavily involved with planning place-based education that builds student appreciation for the culture and heritage of their community. She also contributed significantly to the development of a K through 12 standards-based curriculum that concentrates on individual, on-going assessments that meets academic goals early in a student's career to make them successful in the future. The program is a proven success as the Colorado Student Assessment Program scores for Celia's school are consistently above the state average, and the school has been recognized twice as a Colorado School of Excellence.

Mr. Speaker, Celia Dunham is an intelligent, caring and devoted teacher who always puts her students first. Her commitment to the teaching profession is unremitting and it would be a great honor for Colorado to be blessed with her continued leadership as Colorado's 2005 Teacher of the Year. I am honored to stand before this body of Congress and this Nation today and recognize her longstanding dedication to the teaching profession. Thank you for your service Celia, and I wish you all the best in your future endeavors.

HONORING THE RETIREMENT OF CPT A. RALPH GIBSON

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. STEARNS. Mr. Speaker, I rise today to congratulate Captain Ralph Gibson on his retirement. Captain Gibson concludes a distinguished career in the military with his final post as the Assistant Chief of Staff, Religious Ministries, Marine Corps Recruit Depot—Eastern Recruiting Region. This is a man that demonstrated the true meaning of service beyond one's self. Since his enlistment in the Army in 1967, Captain Gibson served not only his country, but God as well.

Captain Gibson served in the Army and the Oklahoma National Guard until 1979. That year, having previously completed his studies at the Baptist Theological Seminary in Fort Worth, Texas, Gibson was commissioned as a Navy Chaplain. He continued to serve both God and country through the First Gulf War, earning numerous medals and commendations along the way. Undoubtedly, his service to the men and women of our armed forces provided the spiritual direction and comfort so desperately needed when these brave people are away from their families and loved ones.

Captain Gibson will continue his service as pastor for a church in South Carolina. I am confident that the members of that church will greatly benefit just as our servicemen and

women did under his guidance and leadership. I congratulate Captain Gibson on his retirement, thank him for his service, and wish him the best for the future.

COMMEMORATING THE 30TH ANNIVERSARY OF THE LEGAL SERVICES CORPORATION

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. WATT. Mr. Speaker, this year marks the 30th anniversary of the Legal Services Corporation (LSC), a nonprofit organization created by Congress in 1974 to ensure that Americans have access to our justice system regardless of their economic means. For three decades, LSC has lived up to the noble purpose for which it was created—providing legal assistance in civil matters to tens of millions of low-income Americans who would otherwise have gone without counsel. The Legal Services Corporation Act of 1974 was passed with broad bipartisan support in Congress and, thirty years later, broad bipartisan support for a strong federal role in equal justice efforts remains. LSC's past and current leaders, as well as the thousands of advocates who work for LSC-funded legal services programs throughout America, deserve credit for the vital work they do every day on behalf of clients in desperate need of qualified counsel.

Today, there are currently more than 45.2 million Americans who qualify for assistance from one of LSC's 143 grantees nationwide. Legal services' clients are as diverse as our nation, encompassing all races; ethnic groups and ages. They include the working poor, veterans, family farmers, people with disabilities and victims of natural disasters. More than two-thirds of LSC clients are women—most of them mothers.

The legal problems faced by those living in poverty can have serious, long-term consequences for children and, as a result, for society as a whole. The most common types of cases handled by LSC-funded advocates address family law, housing, employment, government benefits and consumer-related issues. For low-income individuals and families, legal services advocacy in these and other areas represents their only means of access to the justice system.

In addition to helping people resolve some of their immediate economic and legal needs, LSC programs also educate people on their rights and responsibilities under the law. With this information, clients can use their knowledge to work within the justice system to reestablish economic independence. With LSC's help, families can maintain their incomes, homes, health benefits and their dignity.

More than two centuries ago, our founding fathers enshrined the importance of equal justice in the preamble to the Constitution, identifying the obligation ''to establish justice'' as the first specific function of the new government. Justice, then, is not simply another government asperation; it is the historic mandate of a free society. On the occasion of the LSC's 30th anniversary, members of Congress should take note and pay homage to the Legal Services Corporation and the critical role it has played in helping America live up to this mandate and our highest ideals.

PAYING TRIBUTE TO JUSTIN FLETCHER

HON. SCOTT McINNIS

OF

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker, I rise to bring attention to the story of a former constituent whose anions in Iraq are a testament to our nation's armed forces. Justin Fletcher, a brave and courageous soldier in the U.S. Army, selflessly put himself in the line of fire to defend America's security interests and ensure a free Iraq. It is a privilege to recognize the dedication and sacrifice of this fine young man before this body of Congress and this Nation.

Justin was flying an observation run over Tal Afar, the Iraqi city sixty miles from the Syrian border, with his commander Stephen Suhr when they were shot down by a hand-held rocket launcher forcing them to make a crash landing. The two soldiers quickly got out of the crashed Kiowa Warrior observation helicopter, found their guns and removed themselves from the line of fire.

After discovering their ammunition was at the crash site, Justin provided cover while Stephen recovered the ammunition. The two soldiers were able to make their way to a U.S. Stryker vehicle where they were stranded for over two and a half hours fighting off insurgents. During the encounter, Justin suffered a broken back, a broken tooth, and a laceration on his face. He received the Purple Heart for those wounds he sustained during combat.

Mr. Speaker, Justin Fletcher is a dedicated soldier who has taken time away from his family and friends to put himself in harms way to defend America and preserve the ideals of freedom. It is a privilege to recognize his courage and conviction here today before this body of Congress and this Nation. Thank you for your service Justin, and I wish you a speedy recovery.

CONGRATULATING EVIE RAFALKO McNULTY AS ELECTED DEMOCRATIC WOMAN OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my good friend Evie Rafalko McNulty on being named the Outstanding Elected Democratic Woman of the Year by the Pennsylvania Federation of Women. Every Democrat in Northeastern Pennsylvania who knows Evie—and most do—knows how much she deserves this award.

For the past 6 years, Evie has served as the Lackawanna County Recorder of Deeds. Evie got her start in politics volunteering on a campaign when she was just 17 years old, working on the campaign for the Democratic candidate for District Attorney in Lackawanna County. After that, she worked on campaign after campaign, including her husband Jim's successful bid for Mayor of Scranton. She has been a member of the Electoral College and a delegate to four Democratic National Conventions, including the 2004 Convention in Boston.

Evie is a staple in Northeastern Pennsylvania politics. She has advanced the role of women in a field that has traditionally been dominated by men. She works very hard for the Democratic Party and its candidates and she knows how to get things accomplished. Evie is not shy. She is never afraid to speak her mind and she can tell a good story. She is outgoing and makes everyone feel comfortable. The saying ''There are no strangers, only friends I haven't met yet'' truly fits this remarkable woman. She works in politics for the right reasons—she wants to make our region a better place.

Evie's interest in government also led her to work with the United States Conference of Mayors and the National Conference of Democratic Mayors.

The Pennsylvania Federation of Women recently presented Evie with the Outstanding Elected Democratic Woman of the Year Award, which is given to women who have made significant contributions within the state, have helped the Federation, aided the Democratic Party and assisted other women in getting elected to office. Previous recipients of the award include Lieutenant Governor Catherine Baker Knoll.

Evie is doing her part to bring along the next generation of Democratic women. In my election of 2002, as well as this year's presidential race, she brought along her young niece Nicole, whom I fully expect will follow in her footsteps.

Mr. Speaker, please join me in congratulating Evie Rafalko McNulty on being named Outstanding Elected Democratic Woman of the Year. Northeastern Pennsylvania is fortunate to have her as a native daughter, and I am blessed to have her as a friend.

INTRODUCTION OF THE OIL PRICE SAFEGUARD ACT FOR 2004

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to introduce the Oil Price Safeguard Act for 2004, a bill that would tackle the problem of petroleum market manipulation and today's skyrocketing oil costs.

Specifically, the Oil Price Safeguard Act would require the President to make a decision to release oil from the Strategic Petroleum Reserve if prices stay above $35 per barrel for two consecutive weeks (last year's average daily price was about $31 per barrel), and require direct oversight reporting to the House Commerce Committee and Senate Committee on Energy and Natural Resources.

The U.S. government currently keeps oil in the strategic petroleum reserve for national security purposes, and to deal with short-term economic problems that could arise from oil shocks. Currently, there are 669 million barrels of oil in the reserve—enough to last 90 days if all foreign sources of oil were denied to the United States. Since the creation of the SPR in the early 1970s, it has only been used once—during the first Gulf War. After the SPR was drawn down during the first days of the Gulf War, crude oil prices dropped nearly $10

per barrel, which at the time was nearly a 50 percent price reduction.

We must take action on this today, because the future energy outlook is grim. Consistently high oil prices have a devastating effect on Americans simply trying to heat and cool their homes, on small businesses just trying to keep up with the cost of doing business, and on the overall economy as more and more disposable income from people and business is bundled off to foreign countries to pay for oil. Future predictions are so dire that the October 2004 Short-term Energy Outlook published by the Energy Information Administration (EIA) at the Department of Energy is predicting that in 2005, high world oil prices will begin to slow the pace of world economic growth and that high current and projected crude oil costs suggest that large reductions in average gasoline prices are unlikely anytime soon.

The United States economy should not be held hostage to foreign oil interests. The effect of using the SPR during the early 1990s was clear. I urge my colleagues to join me to ensure that the President has every tool available at his disposal to fight rising oil prices that impact our economy and provide relief to the millions of Americans and small businesses affected by skyrocketing oil prices.

IN RECOGNITION OF THE QUEEN OF PEACE CATHOLIC CHURCH

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. THOMPSON of California. Mr. Speaker, we rise today to pay tribute to the Queen of Peace Catholic Church as this organization celebrates fifty years of service.

The Queen of Peace Parish was established in 1954 and has served the people of Lake County since its dedication on November 29, 1954. The parish includes the city of Clearlake and the communities of Lower Lake and Clearlake Oaks. In 1995 the community of Lucerne became part of the parish.

The parish has committed itself to serving members of the community and has established several organizations that provide charitable works for the City of Clearlake and Lake County. The contributions from parishioners and revenue from the Thrift Store in Lower Lake have provided emergency assistance, food and shelter to the needy.

Father Louis has served as pastor of the Queen of Peace Church since 1997 and has provided dedicated leadership to the parish community.

Mr. Speaker, the Queen of Peace Catholic Church represents the commitment of promoting a strong community. Quite simply, the Queen of Peace Catholic Church has been a legacy to Lake County; it is most appropriate that we honor the fifty years of service of the Queen of Peace Catholic Church.

HONORING THE LIFE OF THE HONORABLE ROBIN KROOGMAN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. DELAURO. Mr. Speaker, it is with a heavy heart and fond memories that I rise today to pay tribute to the life of an outstanding member of the New Haven, Connecticut, The Honorable Robin Kroogman. Robin's life was cut tragically short when she lost her battle with cancer in late October of this year. She was a dear friend and I, along with many in the New Haven community, will always remember her for her kind heart and endless generosity.

A member of New Haven's Board of Alderman for sixteen years, Robin was well-known for her tireless advocacy. As a local legislator she fought diligently for the Fair Haven neighborhood and its residents, bringing the community through some of its most challenging times. She was responsible for the creation of the Board's Public Safety Committee which she also chaired. During her tenure, she introduced legislation and resolutions dealing with a variety of issues from community development to environmental justice. She was a true leader who also acted as a mentor for newly elected legislators even after she left the Board in 2003.

For thirty years Robin served as a fund-raiser, organizer, and adviser to candidates for municipal, state, and federal offices. Many of those who serve in elected office today representing New Haven benefitted from her guidance and counsel. Robin was always there to lend a helping hand. She was also known for her advocacy of animal rights, recognized by organizations like the Friends of the New Haven Animal Shelter for her good work. Robin made a difference in everything that she did—touching the lives of many. She left an indelible mark on our community which will be remembered and cherished.

Advocate, leader, mentor, and friend, Robin exemplified all that a public servant should be. I was indeed honored to have called her my friend. Though saddened beyond words by her passing, I am proud to stand today to pay tribute to Robin Kroogman whose indomitable spirit has left a legacy which will continue to inspire all those who knew her.

CONGRATULATING BOB MANGANIELLO ON HIS RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my good friend Robert Manganiello upon his retirement as publisher of the Citizens' Voice newspaper in Wilkes-Barre, Pennsylvania.

Bob is a veteran in the newspaper business. He became publisher of the Voice in 1997 after being its general manager for 12 years. In that capacity, Bob assisted the staff in several transitions, guiding the staff through significant reorganization and growth.

Bob began a 45-year newspaper career at The Sunday Dispatch in Pittston, and later worked at the Scrantonian/Tribune in Scranton and the Wilkes-Barre Publishing Company. Bob came to the Citizens' Voice and worked in the editorial department. He then took the position of marketing director.

Although Bob has retired, he agreed to stay on with the newspaper in an advisory position until Spring of 2005.

Bob and his wife Mary Claire live in Plains Township and have one daughter, Carolyn Calabrese, and a grandson named Christopher.

Bob has always served the community though civic and volunteer organizations. He is a member of the board of the Greater Wilkes-Barre Chamber of Commerce, the Greater Wilkes-Barre Chamber of Commerce and Industry, Diamond City Partnership, Penn State/Wilkes-Barre Advisory Board, St. Vincent DePaul Kitchen and Greater Pittston Area Chamber of Commerce. Bob serves on the Membership Services Committee of the Pennsylvania Newspaper Association. He is on the executive board of the Northeastern Pennsylvania Council of Boy Scouts of America.

Mr. Speaker, please join me in congratulating Bob Manganiello on a long and fruitful career. It is a privilege to know a man who is so dedicated to the community.

INTRODUCTION OF THE SMALL BUSINESS AND FARM ENERGY EMERGENCY RELIEF ACT OF 2004

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LARSON of Connecticut. Mr. Speaker I rise today to introduce the Small Business and Farm Energy Emergency Relief Act of 2004.

According to the October 2004 Short-Term Energy Outlook published by the Energy Information Administration (EIA) at the Department of Energy, residential heating expenditures are projected to increase for all fuel types compared to year-ago levels and are even likely to generate higher expenditures even in regions where demand for fuel is expected to fall. The average residential natural gas prices are expected to be 11 percent higher than they were last winter, and household expenditures are expected to be 15 percent higher. Heating oil prices are expected to average 29 percent higher compared with last winter and household expenditures are expected to be 28 percent higher. Propane prices are expected to average 17 percent above last winter, with 22 percent higher expenditures for propane-heated households.

The high and rising costs of oil, natural gas, and propane, and other petroleum distillates, can have a significant economic impact on small businesses, farms, and distributors, as well as a larger overall negative impact on the economy. In fact, the future energy outlook is so grim that EIA is predicting that next year high world oil prices will begin to slow the pace of world economic growth.

We must take action today to ensure relief to America's farms and small businesses before the worst of winter and the coming energy crisis is upon us. That is why I am proposing an expansion of the Economic Injury Disaster

Loans (EIDLs) at the Small Business Administration and the Emergency Loans at the Department of Agriculture so that small businesses and farms that suffer direct economic injury by, or are likely to suffer direct economic injury by, significant increases in the prices of heating oil, propane, kerosene, natural gas, or electricity are eligible to apply for those loans.

The United States economy should not be held hostage to foreign oil interests. I urge my colleagues to join me in support of our small businesses and farms.

RECOGNIZING ARSENIO P. ''SAM'' SANCHEZ FOR HIS OUTSTANDING SERVICE TO THE PEOPLE OF CLEARLAKE, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor Arsenio P. ''Sam'' Sanchez for his outstanding service on the City Council of Clearlake, California. His outstanding leadership and commitment has significantly benefited the people of Clearlake and he will be sorely missed upon his retirement.

Mr. Sanchez has dedicated 18 years and 10 months of his life to serving on the City Council. He has achieved the status of the longest tenured council member in the city's history. In 1984 he was first elected and served until 1990 and because of his efforts on behalf of the community he was again elected in 1992 and served until 2004. During this time he has served as Mayor for three terms and also as Vice Mayor for three terms.

Mr. Sanchez's expertise is matched only by his dedication to improving his community and his tremendous work ethic. He has served as a longstanding member on the Lake County Coordinated Resource Management Committee and on the Area Planning Council (APC). He has shown his devotion as a longstanding member of the Lake Transit Authority Board of directors. In appreciation for all of his contributions over the years, a new transit building in Lower Lake will be named after him. The building will be known officially as ''The Lamkin-Sanchez Transit Operations Center.''

While serving our community for numerous years on the City Council, Arsenio has also served in Army Intelligence. He committed over 25 years of his life to Army Intelligence before retiring.

Mr. Speaker and colleagues, because of the many contributions he has made to the city of Clearlake, it is proper for us to honor Arsenio P. ''Sam'' Sanchez as he retires from the City Council and extend our very best wishes to him in his retirement.

HONORING FRANK JOHNSON ON HIS EIGHTIETH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to an outstanding member of the community of Naugatuck, Connecticut, Franklin Johnson. Frank recently celebrated his eightieth birthday and it is for that milestone that I stand today to extend to him my sincere congratulations.

It is not often that you find an individual who dedicates a lifetime of professional and volunteer service to his community. It is individuals such as these that make a real difference in the lives of others. Throughout his lifetime, Frank has been just this kind of citizen. Born and raised in the Borough of Naugatuck, he has always demonstrated a unique dedication to public service—especially to our veterans and young people.

After graduating from high school, Frank enlisted in the Army serving his nation in the D-Day invasion, the liberation of Paris, and the Battle of the Bulge. His dedication to the men and women of America's armed services have never wavered. For over fifty years, Frank has ensured that their dedication—especially those who made the ultimate sacrifice—is remembered and honored with a ceremony which is held at Naugatuck High School the Friday before Memorial Day. Frank has also served as the Post Commander of American Legion Post 17 and, for the last sixteen years, as the Chairman of the Naugatuck Veterans Council, has been responsible for the organization and production of the Naugatuck Memorial Day Parade. Through all of his outstanding work, Frank has ensured that the service and courage of our veterans as well as that of the brave men and women who currently serve in our nation's armed forces, is remembered with the respect and dignity they so richly deserve.

I have often spoke of our nation's need for talented, creative individuals willing to help our children learn and grow. In the course of his thirty-eight year career at Naugatuck High School as a teacher, guidance counselor, and administrator, Frank was just that kind of educator. His professional life was dedicated to helping our young people access and obtain the tools and skills they would need as they pursued their own dreams.

This year, as he celebrates his eightieth birthday, Frank can reflect on his lifetime of invaluable contributions with pride. We are fortunate indeed to have such a dedicated individual whose generosity and compassion has touched the lives of so many. I am proud to stand today to join his wife, Jeanne, his children, grandchildren, family, friends, and the Naugatuck community in wishing Franklin Johnson the very best as he celebrates his eightieth year. He has left an indelible mark on this community and a legacy which is sure to inspire others for generations to come. Frank Johnson is a true community treasure. HAPPY BIRTHDAY FRANK!

CONGRATULATING PAUL GOLIAS ON HIS RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my good friend Paul L. Golias, who is retiring at the end of this month from the Citizens' Voice newspaper in Wilkes-Barre, Pennsylvania.

Paul and I have a long history together, going back to my life well before I ran for Congress. As a young attorney, I was involved in many public issues which Paul covered as a young reporter. I learned to trust him to be fair and accurate when I represented a minority bloc of authority members who filed suit to cancel a corrupt sewage treatment plant contract.

Paul has journalism in his blood. He loves the chase of a good story and sees journalists as watchdogs, holding the government accountable for its actions. His colleagues have nothing but praise for his integrity and ethics.

He spent his entire life in the newspaper business, starting as a mailroom employee for the Wilkes-Barre Publishing Company when he was a high school student in 1959. Paul ''paid his dues'' in the business, first working as a copyboy and librarian before moving up the ranks to reporter.

Paul got his first reporting job with the Wilkes-Barre Record in 1965. Three years later, he went over to The Times Leader/The Evening News.

Paul came to the Citizens' Voice and became night city editor in 1979. He helped the newspaper in its quick transition to publishing seven days a week. In 1982, he was named managing editor, a position he held for 22 years. This past year, Paul left that position to be a columnist. Thousands of readers, including myself, have enjoyed his wit and insight.

Throughout his career, Paul worked on a number of stories that had a tremendous impact on Northeastern Pennsylvania. In 1972, Paul covered the flooding that Tropical Storm Agnes caused, leaving more than 20,000 people homeless and causing $1 billion in damage. More than 20 years later, Paul used this experience to lead the coverage of the flood of January 1996, noting the importance of levees along the Susquehanna River to protect the Wyoming Valley.

Paul wrote a series on the decline of the garment industry in our region that won an award from the Associated Press. In his first year as managing editor, he led his staff's coverage of the mass murder of 13 people in 1982.

Because of his lifelong commitment to the community, Paul always recognized the significance of events which casual observers often missed. During the debate over redistricting in late 2001, he understood that divining Luzerne County into three Congressional districts would have been devastating to the region. Paul ran daily stories with accompanying maps to highlight the folly of the initial plan. Public outcry stopped the redistricting plan. The district which I represent today exists in large part because of the Citizens' Voice reporting, which Paul directed.

As a citizen, Paul felt that being active in the community was important. He served on the boards of the former Welfare Planning Council, Catholic Youth Center, Valley Santa and the advisory board for of the Northeastern Pennsylvania Council, Boy Scouts of America.

In addition to serving on the advisory board, Paul also served as both a cubmaster and scoutmaster for 10 years. He coached a seniors' softball and a teeners' baseball team.

Paul fulfilled his civic duty as a member of the Pennsylvania Army National Guard. For six years, he served in the First Battalion, 109th Field Artillery, attaining the rank of staff sergeant.

Above all, Paul has been a good father and grandfather while committing himself to a business in which it is sometimes difficult to maintain a strong family relationship. Paul is married to Elaine Marie Hudak of Hanover Township. They have two sons, Joseph and Kenneth, and one daughter, Lynn. One thing is certain—I am sure the Golias household was filled with colorful stories. Paul has four grandchildren, Katie and Paul Golias and Meghan and James McGuire.

Mr. Speaker, I ask that you join me in congratulating Paul on a 39-year career filled with accomplishments. Paul Golias has made tremendous contributions to our community, and it is an honor to call him my friend and a privilege to serve him in Congress. I wish him a retirement filled with joyful times with his family.

INTRODUCTION OF THE ENERGY INDEPENDENCE ACT OF 2004

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to reintroduce the Energy Independence Act, a bill that would direct the Secretary of Energy to develop and transmit to Congress a strategic plan to ensure that the United States is energy self-sufficient in 10 years.

Like an investment portfolio, a successful national energy portfolio must be a balanced and diverse portfolio. It should include traditional fossil fuel sources like oil, coal, and natural gas; emerging technologies like fuel cells; and traditional alternative energy sources such as solar and wind generation. It should balance incentives for efficiency and conservation with innovative methods of new generation.

However, the United States imported an average of over 12 million barrels of oil per day in 2003 from foreign countries to meet our domestic energy needs, totaling nearly 4.5 billion barrels during all of that year. Even at last year's comparatively modest average price of $31 per barrel, that adds up to almost $140 billion spent on foreign oil.

Today, with the average price of a barrel of crude oil up another $10 from last year to about $40 and with average daily imports remaining roughly the same, America's expenditures to purchase foreign oil increased to more than $180 billion this year. This is clearly not a balanced approach to energy.

Today, we have before us, for the first time in human history, the technology to provide clean, reliable energy for every person, home, business, and vehicle in America. With this technology, we have the opportunity to end once and for all America's reliance on foreign energy sources while at the same time creating quality, highly skilled jobs for the next century in a new and expanding technological field.

This proposal returns to the American people one of the fundamental rights defining this nation: independence. Through it we can establish long-term energy independence for individual Americans, specifically, independence from foreign energy sources, independence from the current over-burdensome and inefficient energy infrastructure, and independence from environmentally destructive energy sources.

It will provide for the security of the country in both economic and military terms by eliminating our reliance on foreign energy sources.

The Energy Independence Act requires the Secretary of Energy to examine and report on the status of existing energy technology and domestic resources as well as developing energy generation and transmission technologies, focusing on their integration into an overall national energy portfolio to meet the stated goal of achieving energy self-sufficiency within 10 years.

It also requires that the plan include recommendations to Congress for targeted research and development in promising new energy generation and transmission technologies, and funding levels necessary for specific programs and research efforts necessary to implement a plan providing for the energy self-sufficiency of the United States within the next 10 years.

I urge my colleagues to support this legislation and make energy independence a reality for America.

RECOGNIZING JAMES L. McMURRAY FOR HIS OUTSTANDING SERVICE TO THE PEOPLE OF CLEARLAKE, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize James L. McMurray, who is retiring from the City Council of Clearlake, California. James's outstanding contributions and dedication to our community are truly appreciated.

James has dedicated 8 years of his life to service on the City Council and has served two consecutive 4-year terms beginning in 1996. He has had the privilege of serving as Mayor for three terms and as Vice Mayor for two terms.

James has made many contributions to the community through his service on the City Council. He has strengthened the City's finances and he has put an end to the ongoing usage of dangerous buildings all over the city. His most passionate issue was Measure P, which ensured the repair of many California schools in need. These outstanding accomplishments are just a few of his many achievements.

Mr. Speaker and colleagues, James L. McMurray set the standard of hard work that should be followed in all communities. His commitment to our community has been shown time and time again. For these reasons and countless others, it is most appropriate that we honor him at the time of his retirement and extend our best wishes to him.

HONORING THE PUBLIC SERVICE OF RALPH R. ESPARZA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to commend Mr. Ralph R. Esparza who, in his 25 years of service to the City of Los Angeles, has demonstrated his unwavering commitment and dedication to improving the living conditions of the city's residents.

Throughout his career Mr. Esparza has successfully led many of the city's key housing departments and programs. After only 4 years as a Rehabilitation Project Coordinator in the Community Development Department, he was promoted in 1983, to be the Community Housing Program Manager where he oversaw the federal Section 8 New Construction program.

Mr. Esparza's skill and enthusiasm in managing complex housing and community development projects led to his appointment as Assistant Chief Grants Administrator for the Community Development Department. Later, he was instrumental in the creation of the Los Angeles Housing Department, where in 1990, took charge of planning, operation, and management of the city's housing programs.

From 1995 to 1996 and again from 1997 to 2000, Mr. Esparza served as Director of the Program Support Division. In the year between his two directorships, he administered multiple programs including the Davis-Bacon Compliance Monitoring Program and the Housing Opportunities for Persons with AIDS Program.

In 2000, Mr. Esparza's exceptional management skills were once again called upon as the Assistant General Manager of the Housing Department. Under his guidance, the Housing Department ushered in a new century with creative solutions to help address the affordable housing crisis and to improve the quality of life for the residents of Los Angeles.

For his commitment and leadership and for improving the homes and lives of Los Angelenos, I thank Mr. Esparza and I wish him well in his future endeavors.

ARIZONA WATER SETTLEMENTS ACT

SPEECH OF

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2004

Mr. RENZI. Mr. Speaker, although I have had reservations about the passage of S. 437 without agreements in place for certain other key parties, including the San Carlos Apache Tribe, I support the passing of the bill based upon several understandings outlined below.

It is my understanding that the provisions of the bill are not intended to and should not be construed to amend or alter the San Carlos Apache Tribe's water and related rights. Title IV of S. 437 seeks to protect the San Carlos Apache Tribe by ensuring that none of the provisions of titles I, II, or III or the agreements, attachments, exhibits, or stipulations referenced in those titles can be construed to amend, alter, or limit the authority of the United States or the San Carlos Apaches to assert any claim, including water rights claims.

During the development of the bill, and at hearings on the bill, this Tribe raised a number of issues of concern to it regarding potential adverse effects of the legislation on its water rights. The Tribe and I were assured that the provisions of the other titles would not adversely affect their water rights. With those and other assurances, I withdrew my objection

to the bill. However, as the legislation is implemented following enactment, I wish to reiterate what I understand the intent to have been in the bill's development and to be at passage with regard to such provisions in the bill not changing or adversely affecting the rights of the San Carlos Apaches.

Mr. Speaker, by way of background, the San Carlos Apaches were among the last to resist what they viewed as the intrusion by outsiders into their homeland. They paid a heavy price for that resistance. Some of their ancestors were held for years as prisoners of war by the United States. Many thousands of acres of some of their most productive lands were deleted from their Reservation for uses by others. Their burial sites, their farms, and their homes were flooded, and they were forced to relocate to make way for the construction of Coolidge Dam. This Tribe faces unemployment of about 75 percent. Water is essential to their future. The Gila River runs directly through this Tribe's Reservation. San Carlos Lake and Reservoir are in the heart of their Reservation. Therefore, a genuinely comprehensive, lasting, and completed Gila River water settlement cannot be achieved until the Congress fairly addresses the needs and rights of the People of the San Carlos Apache Tribe. At the Committee markup of this bill, Chairman POMBO and others of my colleagues expressed their commitment to helping to achieve justice with respect to water rights for the San Carlos Apaches. In connection with passage of this bill today, still others of my colleagues recognized the work yet to be done on behalf of the People of this Tribe.

The Tribe has made substantial progress in recent months toward achieving a Gila River water rights settlement through negotiation with a number of the parties involved. It appears very hopeful that a settlement for the Tribe can be achieved early in the 109th Congress. In pursuit of that effort, I encourage all parties included in this legislation that are relevant to working out agreements with the Tribe to work seriously, vigorously, and in good-faith to complete equitable Gila River water settlements with the Tribe as soon as possible. I will then work with the Chair of the Resources Committee, the Ranking Minority Member, and other colleagues and Senator KYL, the chief sponsor of S. 437, to see that such agreements become ratified through legislation as soon as possible after receiving them next session of Congress.

I will monitor the progress of efforts to negotiate settlements in the coming weeks. I will help in whatever way I can to see that equitable agreements are achieved for the People of the San Carlos Apache Tribe that will help ensure the viability of their Reservation as their homeland now and for the future.

BREAKDOWN OF THE RULE OF LAW IN RUSSIA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ENGEL. Mr. Speaker, an undeniable tenant of any democracy is the rule of law. Sadly, this is not the case in Russia today. That country's legal system is taking on the appearance of Czarist Russia and the Soviet Union, when the legal system and courts were merely instruments of the State. This past year, we have witnessed a series of arbitrary and discriminatory actions, directed by the Kremlin, against select individuals and companies, that are politically motivated and lacking in legal merit, according reputable human rights groups and widely reported in the Western press.

The most notable case is the YUKOS Oil Company, one of Russia's early privatized companies, known for its Western management style and global outlook, that today is under siege by a government clearly intent on destroying or taking control of Russia's largest oil producer. The chairman of YUKOS, Mikhail Khodorkovsky, was arrested and indefinitely detained on charges that are murky and, again, appear to be of a political nature rather than criminal intent.

Our colleagues on the Senate side last year unanimously approved S. Res. 258, which stated, in part, ''the law enforcement and judicial authorities of the Russian Federation should ensure that Mr. Mikhail B. Khodorkovsky is accorded the full measure of his rights under the Russian Constitution to defend himself against any and all charges that may be brought against him, in a fair and transparent process, so that individual justice may be done. . . .''

Mr. Speaker, the U.S. Senate spoke out one year ago, and since then the Russian government has levied an $18 billion tax bill on YUKOS, far beyond its earnings, which is apparently intended to pave the way for a government take over of one of the world's largest oil companies. Mr. Khodorkovsky is confined to a cage on his daily trips to the courtroom, where he is denied the customary rights of a defendant and indeed is facing a verdict that may well be pre-ordained by the Kremlin.

Mr. Speaker, I also call to the attention of my colleagues another example of Russia's crude application of a legal system that denies, rather than protects the rights of the accused and clearly violates the norms and standards of decency and respect for human rights.

Mr. Alexei Pichugin, a former white collar security officer for the YUKOS Company, is currently on trial in Moscow on charges, so it is alleged, of murder. This is another case that is being closely monitored by human rights groups and others because of the bizarre series of actions by prosecutors who appear to be using the formal charges to pressure Mr. Pichugin to testify against his former bosses at YUKOS.

I do not presume to know the guilt or innocence of Mr. Pichugin; that is for a properly conducted court trial and unbiased jury to determine. But I am troubled, as are many of my colleagues, about the politicizing of Russia's legal system and the denial of a just and fair trial because the court itself is not truly independent.

Indeed, the Council of Europe's rapporteur, Sabine Leutheusser-Schnarrenberger, has called the allegations reguarding Mr. Pichugin's mistreatment ''very serious.'' She notes: ''I cannot myself help worrying about the possibly illicit investigative methods and pressures that Mr. Pichugin could be subjected to at a prison that remains withdrawn from the normal supervisory procedures by the Ministry of Justice.''

Just yesterday, the Parliamentary Assembly of the Council of Europe PACE released a report pointing out that Russian authorities continue to violate the principle of equality before the law, based on legal analysis of the facts surrounding the arrests and prosecutions of former YUKOS executives Mikhail Khodorkovsky, Alexei Pichugin and Platon Lebedev.

While the trial of Alexi Pichugin is being conducted in secrecy, the evidence of abuse by the prosecutors and court handling the matter has been widely reported in the press. I, therefore, urge the Administration to refocus its attention on the deterioration of the rule of law in Russia. It would be very unfortunate if while we were striving to establish a democracy in Iraq, one broke down completely in the Russian Federation.

INTRODUCTION OF IRAN NUCLEAR PROLIFERATION PREVENTION ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MARKEY. Mr. Speaker, to day I am introducing the ''Iran Nuclear Proliferation Prevention Act,'' a bill to stop the transfer of nuclear equipment and technology to Iran.

This week Secretary of State Colin Powell referred to intelligence that Iran is working to adapt missiles to deliver a nuclear weapon, which would provide further evidence Iran is determined to move forward to become a nuclear weapons state. His comments come on the heels of reports that Iran on the one hand has agreed with three European countries to freeze its uranium enrichment program, and, on the other hand, reports by an Iranian opposition group that Iran may still be pursuing a covert uranium enrichment program at an undeclared location.

The credibility of the United States suffered when we missed the mark so badly in Iraq when the Administration concluded that Iraq had reconstituted its nuclear weapons program. In Iraq the IAEA had the advantage of 250 inspectors on the ground with anytime, anywhere inspection authority to go look wherever they suspected there might be evidence of nuclear weapons activity. The IAEA does not have that advantage in Iran. Instead, both the U.S. and the IAEA are trying to divine the plans of a regime through fragmentary pieces of information gleaned from a variety of sources, much of it subject to widely varying interpretation and credibility. We simply cannot afford to be wrong on a subject as serious as the spread of nuclear weapons.

We know that a variety of foreign countries and companies may have provided assistance to Iran's nuclear program. Some of these countries may also be engaged in nuclear commerce with the United States, or may have received U.S.-origin nuclear technology in the past, or seek access to U.S. nuclear materials or technology in the future. Should we engage in nuclear commerce with countries that are supplying Iran with the wherewithal to move forward with a nuclear weapons program? I don't think so.

Let's take just one example. China is known to have provided support to the Iranian nuclear program in the past. In recent months, there have been press reports that Vice President CHENEY is championing efforts to export

nuclear reactors to China. It just does not make any sense to say that we are against nuclear proliferation in Iran, and then to turn around sell nuclear reactors to China.

The bill I am introducing today will:

Stop the transfer of nuclear equipment and technology to any country that is supporting Iran's nuclear program;

Require the President to report to Congress a complete list of countries who have provided missile and nuclear materials and technology to Iran;

Require the President to report to Congress an estimate and assessment of Iran's efforts to acquire nuclear explosives and their delivery vehicles.

Require the President to give to Congress an assessment of the European-Iran deal.

Require the President to provide to Congress an evaluation of the basis and credibility of a possible secret nuclear facility in Iran.

Require the President to provide to Congress information on whether the U.S. has provided the United Nations and International Agency, IAEA, weapons inspectors with full access to intelligence on Iran's nuclear program.

Require the President to report to Congress on the steps the U.S. is taking to ensure that United Nations and IAEA inspectors have full access to all suspected Iranian nuclear sites and on what steps the U.S. it taking to work with the international community, including the IAEA, to ensure Iran is complying with the Nonproliferation Treaty.

This bill will not:

Apply to radiation monitoring technologies, surveillance equipment, seals, cameras, tamper-indicating devices, nuclear detectors, monitoring systems, or equipment to safely store, transport or remove hazardous material.

Apply, with a waiver by the President, if it is in the vital interest of national security.

Apply, with a waiver by the President, if the transfer is essential to prevent or respond to a serious radiological hazard.

Limit the full implementation of the Cooperative Threat Reduction Programs, also known as the Nunn-Lugar program.

While there is legislation in place that provides for sanctions against Iran—the Iran and Libya Sanctions Act or ILSA, this legislation has not proven to be effective. ILSA provides for sanctions against companies that invest $20 million or more in Iran's energy sector in a single year. Here is what the nonpartisan Congressional Research Service reports about the implementation of the Act:

The Clinton Administration apparently sought to balance implementation with the need to defuse a potential trade dispute with the EU. In April 1997, the United States and the EU formally agreed to try to avoid a trade confrontation over ILSA and the ''Helms-Burton'' Cuba sanctions law (P.L. 104–114). The agreement contributed to a decision by the Clinton Administration to waive ILSA sanctions on the first project determined to be in violation: a $2 billion (1) contract (signed in September 1997) for Total SA of France and its minority partners, Gazprom of Russia and Petronas of Malaysia to develop phases 2 and 3 of the 25-phase South Pars gas field. The Administration announced the waiver on May 18, 1998, citing national interest grounds (Section 9(c) of ILSA), after the EU pledged to increase cooperation with the United States on non-proliferation and counter-terrorism. The announcement indicated that EU firms would likely receive waivers for future projects that were similar.

The Bush Administration has apparently adopted the same policy on ILSA as did the Clinton Administration, attempting to work cooperatively with the EU to curb Iran's nuclear program and limit its support for terrorism. According to the Bush Administration's mandated January 2004 assessment, ILSA has not stopped energy sector investment in Iran. However, some believe the law has slowed Iran's energy development, and Iran's sustainable oil production has not increased significantly since the early 1990s, despite the new investment, although foreign investment has slowed or halted deterioration in oil production. On the other hand, Iran's gas sector, nonexistent prior to the late 1990s, is becoming an increasingly important factor in Iran's energy future, largely as a result of foreign investment.

Since the South Pars case, many projects—all involving Iran, not Libya—have been formally placed under review for ILSA sanctions by the State Department. Recent State Department reports on ILSA, required every six months, state that U.S. diplomats raise with both companies and countries the United States' ILSA and policy concerns about potential petroleum-sector investments in Iran. However, no sanctions determinations have been announced since the South Pars case discussed above.

Clearly, the ILSA sanctions are not working. We need to come up with a sanctions law that can work, and the Iran Nuclear Proliferation Prevention Act is my attempt to forge such a proposal. I urge my colleagues to cosponsor this legislation, which I intend to reintroduce at the beginning of the next Congress.

INTRODUCTION OF THE MEDICARE PPO FAIRNESS ACT OF 2004

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CARDIN. Mr. Speaker, I rise today to introduce the Medicare PPO Fairness Act. This bill addresses an urgent problem facing 98,000 Medicare beneficiaries whose legal rights to health care services have been denied. Today may be the last day of the 108th Congress, and so I will reintroduce this measure in January in the hope that members will consider it early next year.

In 2003, the Centers for Medicare and Medicaid Services, CMS, began a Medicare PPO Demonstration to test the efficiency of different types of private health plans in the Medicare program. Preferred provider organizations, PPOs, are forms of managed care that are somewhat less restrictive than health maintenance organizations, HMOs. Generally speaking, in an HMO model, patients are covered only for services rendered by doctors, hospitals and other providers who are ''in-network,'' meaning on the plan's approved list. By contrast, in a PPO, patients are covered not only for services rendered by providers on the approved list, but also for other providers, but they must usually pay additional out-of-pocket costs. For purposes of this demonstration program, Congress gave CMS flexibility with respect to payments to these private plans but not with respect to the benefits that they must provide to seniors.

We have recently learned from the General Accountability Office, GAO, that CMS exceeded its authority. According to a report issued in late September, the Centers for Medicare and Medicaid Services, CMS, improperly gave private health plans permission to limit beneficiaries' access to care from providers who were not in the plans' networks. GAO found that 29 of the 33 PPO plans in the demonstration told seniors that if they sought covered services from providers not in their network they would be liable for all charges. As of this year, more than 98,000 seniors were enrolled in demonstration PPO plans, including 3,000 seniors in my home state of Maryland, so thousands of seniors have been affected by these restrictions.

In the GAO report, CMS Administrator Mark McClellan concurred with GAO's findings and said his agency would instruct all participating plans that they must cover out-of-network as well as in-network care. That is the right thing for Dr. McClellan to do, but it is not sufficient. I remain concerned about the thousands of seniors who for the past two years were told in error that they had no right to see their provider of choice. There are also countless providers who were improperly denied the opportunity to treat beneficiaries—and therefore lost income—simply because they were not on the PPG's provider panel. Finally, I remain concerned about those seniors who paid out-of-pocket for medical care—including routine physical examinations, home health services and skilled nursing care—that Medicare should have covered. It is Medicare's responsibility to reimburse for those services.

The bill that I am filing today would accomplish two things: first, it would ensure that seniors in Medicare PPOs are aware of their rights. It would require the Secretary of HHS to immediately notify each of the approximately 98,000 PPO enrollees that they are entitled to receive services from both in-network and out-of-network providers. I learned about the GAO's findings from the newspapers. Our seniors should not have to rely on the press to learn what benefits they are entitled to from Medicare.

Second, my bill would require the Medicare program to reimburse those beneficiaries in PPOs who erroneously paid out-of-pocket for care from out-of-network providers. Those seniors who enrolled in the Medicare PPO demonstration program deserve to receive all the benefits they are legally entitled to, and they should be made whole. This bill is budget neutral. It provides for all payments for reimbursable services rendered in 2003 and 2004 to be deducted from planned 2005 payments to Medicare PPOs, money that has already been allocated for next year.

Mr. Speaker, I think all members would agree that our seniors should have access to a full range of choices within the Medicare program, and that Congress should ensure that seniors receive all the benefits to which they are entitled. My bill will help guarantee that in the demonstration program now in operation at CMS, seniors get the benefits that Congress intended. I hope this bill will be enacted quickly when the 109th Congress convenes next year, and I urge my colleagues to support this measure.

HONORING THE MEMORY AND CELEBRATING THE LIFE OF ANTHI POULOS JONES

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. PAYNE. Mr. Speaker, as the 108th Congress draws to a close, I would like my colleagues here in the U.S. House of Representatives to join me in honoring the memory of the late Anthi Poulos Jones, a wonderful woman whose contributions to this institution and to the international community will be long remembered.

A graduate of Windham College with a master's degree and a law degree from American University, Anthi served with distinction as a Capitol Hill professional staff member for a number of lawmakers, including Senators Thomas McIntyre of New Hampshire, Charles Mathias, Jr. of Maryland, John Glenn, Jr. of Ohio, George Brown of Colorado and Representative SCOTT MCINNIS of Colorado. She also served as scholar-in-residence at the Library of Congress.

Anthi was a great champion in behalf of her beloved native Greece, working tirelessly as founder and Chair of the U.S. Committee on the Parthenon; founder and Chair of the Committee on World War II Art Claims; and member of the American Bar Association Steering Committee for the Committee on International Cultural Property. I had the pleasure of working with her when she shared her vast knowledge and research with me in producing legislation calling for the return of the Parthenon marbles to Greece. The treasures were removed and taken to England in the early nineteenth century.

Through her work, Anthi established international friendships and endeared herself to those she met through her kindness, grace and dedication to the causes she espoused.

In addition to her professional accomplishments, Anthi was a devoted wife and mother who took great pride in her family. She is survived by her husband, Wiley Newell Jones; her daughters Helleni Donovan and Catherine Jones; her grandson, Christian Donovan; her father and stepmother, Peter and Lydia Karagianis; and her brother and sister-in-law, S. Peter and Jane Karagianis.

Mr. Speaker, let us honor the memory and celebrate the life of Anthi Poulos Jones, who dedicated her time and talent so generously for the betterment of our world. We miss her tremendously and appreciate so much her valuable contributions as a public servant.

TRIBUTE TO OLATHE, KANSAS, SCHOOL SUPERINTENDENT RON WIMMER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MOORE. Mr. Speaker, last week Dr. Ron Wimmer, who has served the students and parents of the Olathe, Kansas, school district for over forty years—during the last fourteen years as Superintendent of Schools—announced his retirement, effective July 1, 2005. He has been one of the primary catalysts of the Olathe school district's commitment to excellence, and his retirement will be mourned by all citizens of that community. I am pleased to take this opportunity to pay tribute to Dr. Wimmer's forty years of service to the Olathe school district by placing in the CONGRESSIONAL RECORD two articles summarizing his achievements that appeared recently in the Olathe Daily News.

[From the Olathe News, Nov. 10, 2004]

WIMMER'S RETIREMENT SURPRISES MANY IN COMMUNITY

(By Kevin Selders)

Ron Wimmer's announcement he's retiring at the end of the school year came as a surprise to many in the Olathe community and beyond.

Wimmer, who has spent his entire 40-year career in education in the Olathe district, made the announcement public Tuesday after submitting his notice of retirement to Olathe school board president Debby Daniels Oct. 17 and notifying district staff Monday.

An e-mail was sent notifying others of his decision Monday evening.

''Clearly it's disappointing for the school district, but he has provided us with 40 years of service to the school district and the community, so it's hard to argue with him when he's ready to retire,'' Daniels said. Daniels said the news wasn't released sooner because of the election.

''We didn't want a discussion of Dr. Wimmer's retirement to influence the voters' decision on the school board (issue) one way or the other,'' she said. Wimmer discussed his retirement individually with board members in the days leading up to last week's board meeting.

Daniels said Wimmer brought up the timing of his announcement during the board's executive session after its meeting on Thursday. The board also discussed when it should get started on the search for the next superintendent, which is considered a personnel issue.

Andy Tompkins, commissioner of education for the Kansas State Department of Education, received the news of Wimmer's announcement during the middle of a Kansas State Board of Education meeting.

Tompkins, who said he's known Wimmer for at least 25 years, said the superintendent's retirement will be a great loss for the district. He said Wimmer is a man of high integrity and the purest motives who has always worked for the best interest of children.

''You're not going to find a bigger fan of Ron Wimmer than me,'' he said. ''I just think he's as good as they come. I have the highest regard for him.''

Michael Copeland, mayor of Olathe, said Wimmer has led the school district to become one of the best in the nation. This achievement has, in turn, benefited Olathe in many ways.

''Olathe is one of America's fastest-growing cities for many reasons, but none more important than our excellent schools,'' Copeland said. ''Ron Wimmer deserves much of that credit. He will be missed, but he's leaving the district in great shape. His commitment and dedication to excellence in Olathe, and in particular our children, cannot be understated. He means a great deal to our community.''

Frank Taylor, president of the Olathe Chamber of Commerce who served on the school board for 16 years, said Wimmer has been instrumental to Olathe's success as a city.

''Olathe possesses a jewel that sets it apart,'' he said. ''It is a nationally acclaimed school district that uniquely equips Olathe children for life and draws business and industry to Olathe so effectively that we are one of the fastest-growing communities in the nation. That is Dr. Ron Wimmer's gift to this community.''

Diana Wright, a psychologist for the district and former student of Wimmer's, sent him an e-mail Tuesday morning. She said Wimmer was her principal when she was a seventh-grader in 1975.

''I remember you as the warm-hearted, friendly principal who always had a smile on his face,'' she wrote. ''Now as an adult I wanted to let you know what a wonderful impression you made on me as a student.''

She went on to tell him how although she was a good student for the most part, she was overwhelmed with authority figures. She said every time she walked by her principal she tried to hide her eyes. ''You always went out of your way to say hello and greet me in a warm manner,'' she said. ''It always made me feel like I was special. I'm sure that is how you made all your kids feel.''

Betty Carpenter, Wimmer's secretary since he moved to the education center in 1978 as director of personnel for the district, said things are going to be a lot different next year.

She said the next superintendent will have some big shoes to fill.

''He set a lot of good foundations for the future to build on,'' she said. Carpenter said she could retire as well, but has no plans to just yet.

''I love my job,'' she said. ''Part of that is because of the boss, too.''

[From the Olathe News, Nov. 10, 2004]

WIMMER RETIRES AFTER 40-YEAR CAREER

(By Kevin Selders)

As Ron Wimmer, superintendent of the Olathe school district, sat among spectators cheering on Olathe football teams Friday, he realized he knew something nobody else around him knew.

Wimmer, 61, decided to let everyone in on his secret Tuesday as he publicly announced his retirement, effective July 1, 2005.

The announcement comes midway through his 40th year in the district and 14th year as its leader.

''Today I'm very excited and pleased with the response I've received from the staff,'' he said. ''I've had so many touching e-mails from people that I've come in contact with over the last 40 years.''

Wimmer denied his decision had anything to do with the recent decision made by voters to change the method of electing school board members.

''I've thought about it for months,'' he said about his retirement. ''I had so many sleepless nights. It just was a tremendous worry for me.''

However, he said making the decision and notifying district staff and others Monday brought him peace.

''Last night was the first in many nights where I just slept all the way through,'' he said.

''Each step has been difficult,'' he added. ''There's just so much commitment that I've had over 40 years. It's hard to believe that I'm at this point, but I feel very good about this decision. I feel it's the right thing to do at the right time.''

Wimmer submitted his notice of retirement to Debby Daniels, president of the Olathe school board, Oct. 17.

Wimmer, who was eligible for retirement eight years ago, felt compelled to stay on as superintendent because of continued challenges the district faced, primarily in dealing with its growth.

''There was always some major project,'' he said.

He added that he's ready to finish out the rest of the school year.

''I'm still very motivated by what I do every day and I feel very good about that,'' he said. ''I always wanted to retire before I felt the need to retire.''

LOOKING BACK

Wimmer's earliest career move actually saw him leaving his own education under difficult circumstances.

As a junior in high school, Wimmer was expelled during the middle of his junior year, forcing him to move away from home to live with relatives and change schools. Because of the move, he lost his car and his girlfriend.

''That was a rough time,'' he said. ''The good thing that came out of that was I got a new girlfriend and eventually got my car back and I didn't get into anymore trouble again.

''You could say I learned my lesson . . . and I'm still married to the same girl today after 43 years.''

Wimmer said he's tried to use the experience for positive purposes in the school district.

One of these purposes was the development of the district's alternative-education program in 1972. Often after finishing his daytime duties, Wimmer would work with students in the night program.

He said he's always used his own experiences to motivate students who find themselves in a similar situation.

''That doesn't necessarily indicate they cannot go on from there and be successful,'' he said.

Wimmer said the key to any success in his career comes down to one thing—his education.

''My education is what opened the doors for those opportunities,'' he said.

Wimmer started his career with the district the same year Olathe Unified School District No. 233 was born. The district was formed in 1965 when five school districts—Countryside School District 103, Meadowlane School District 108, Mount Zion School District 105, Olathe School District 16 and Pleasant View School District 96—merged. After graduating from Pittsburg State University in 1965, Wimmer started teaching Spanish at Olathe Junior High School in downtown Olathe, where Millcreek Center now is.

He moved on to Santa Fe Trail Junior High School when it opened a few years later.

He received his master's degree in educational administration and curriculum from the University of Kansas and became assistant principal at the school in 1969 and was appointed director of personnel for the district nine years later.

In 1980, he was appointed assistant superintendent. Three years later he completed his doctoral degree in educational administration and curriculum, also from KU.

Wimmer was selected superintendent in 1991 after a nationwide search. As superintendent, he encouraged the board to join in a lawsuit against Kansas regarding school funding in 1991 and implemented a new school funding formula, which included the local option budget.

The major projects Wimmer stayed on for after his 1996 eligibility for retirement included four bond issues totaling $314 million. He also saw 16 schools open, two district activity centers and other facilities.

During his time as the district's leader, Wimmer saw enrollment jump from 15,357 students to nearly 23,700 students, making it the third-largest district in Kansas. The district's staff has nearly doubled. It now employs more than 3,600 people. Wimmer's awards during his years as superintendent include the Olathe Citizen of the Year from the Olathe Area Chamber of Commerce in 1997, Kansas Superintendent of the Year that same year from the Kansas Association of School Administrators and the Distinguished Community Service Award from MidAmerica Nazarene University in 2000.

However, what you won't find on his proverbial mantle is what he's most proud of—his relationship with students, parents and staff and his contribution to maintaining the feel of a small community within the district.

''I think it's critical to the climate of the organization,'' he said. ''Everything we do is accomplished by people. It's important the person in my role have a good rapport with the people to maintain a positive climate in the school district.''

While Wimmer has been superintendent, student achievement scores have reached all-time highs on the SAT, ACT and Kansas Assessment tests and the district's staff development methods were chosen as a model by the U.S. Department of Education. He said he's also proud of the district's reputation locally. A survey conducted during parent teacher conferences this fall showed 97 percent of the 1,900 parents who participated giving the district an A or B grade.

Wimmer cites the district's continued focus on excellence, which has led it to being dubbed the only district in Kansas to receive the Kansas Award of Excellence. A year ago, the district launched its 21st Century High School Programs in aerospace and engineering; e-communication; biotechnology/life sciences; and geosciences. The programs are now being studied nationally by districts seeking to find ways to engage students in academics and make classroom learning relevant.

''I think that's the most significant reform movement you would find anywhere at the secondary level anywhere in the country,'' he said. Staying in the same district for his entire career, despite opportunities elsewhere, is another achievement.

''I never started out to do that,'' he said. ''A growing district provides opportunities for advancement. I have just been very fortunate to have all of my professional career aspirations met while I was in this district.''

WHAT'S NEXT

As his education career ends, Wimmer said he plans on staying in Olathe, which he's called home for 40 years.

''I'm looking forward to being a private citizen,'' he said.

He said he plans to continue to be an advocate for children and public education. ''I'm going to consider other options that might come available and continue to be involved in the community,'' he said.

He said he doesn't plan on pursuing any political aspirations.

''At one time I did, but at this point and time I do not. I don't like the negative tone of politics,'' he said.

Other possibilities for Wimmer may include doing some consulting work or even writing a book.

''I have some thoughts on what it will take for education in the future to achieve the higher expectations that are imposed on schools today,'' he said.

As for the district's future, he said the board now must determine what type of process it wants to utilize in selecting his replacement. He said he expects a special board meeting in the coming weeks to discuss the process and the road ahead. He said he expects the process to be completed by February.

He stressed that while he may assist in the process, he won't take part in making any decisions.

''That's entirely up to the board of education,'' he said.

Wimmer said he expects the board to accept his notice of retirement at its December meeting.

Wimmer said he knows he made the right decision and doesn't feel like he overstayed his welcome.

''I know I didn't wait too long,'' he said. ''I hope I just didn't go too early and only time will tell.''

Wimmer said he's going to miss the people he works with, the students and others he's come in contact with as superintendent, among other things.

''I went to the football game and said, 'This is something I'm going to miss,'" he said. ''My wife reminded me that I can still go back to the football games. I plan on continuing to go.''

TRIBUTE TO CHARLES W. CHERRY, SR.

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MICA. Mr. Speaker, it was my privilege to know Charles W. Cherry, Sr., a community leader and distinguished citizen of Florida's 7th Congressional District. I join many others from across the country in mourning the loss of this outstanding American. His passing is a significant loss to the City of Daytona Beach and to the State of Florida.

Charles arrived in Daytona Beach in 1952 during the height of segregation. As a civil rights activist in the 1960's and 1970's, he helped organize bus boycotts, fought for better wages at area hospitals, and advocated for better representation for the minority community in Daytona Beach. He became president of the Volusia County-Daytona Beach Branch of the National Association for the Advancement of Colored People, later becoming president of the state branch and a member of the national board of directors.

In 1978, Charles founded the Daytona Times, a newspaper that has grown into a media company covering Florida, Georgia, South Carolina, with two newspapers and 11 radio stations. He was elected to the Daytona Beach City Commission in 1995, where he served five consecutive terms. As a commissioner, Charles was a strong supporter for new infrastructure and improved city services in black neighborhoods.

Charles W. Cherry, Sr. worked during his life fighting for the principles of equality, justice and opportunity. The City of Daytona Beach has lost a great champion for our community. I will always treasure his public service, his friendship and the example his life has set for so many.

My deepest sympathy is extended to his wife Julia T. Cherry, his son Charles W. Cherry, Jr., his family and his friends.

IN RECOGNITION OF NEW JERSEY ASSEMBLYMAN UPENDRA J. CHIVUKULA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. HOLT. Mr. Speaker, I rise today to recognize Assemblyman Upendra J. Chivukula of

the 17th legislative district in New Jersey, for his commitment to public service and leadership within the Indian-American Community.

As a professional engineer, Assemblyman Chivukula has applied his expertise effectively to develop public policy. In addition to serving as Vice-Chair on the Commerce and Economic Development Committee and as a committee member on both the Telecommunications and Utilities Committee and Environment and Solid Waste Committee, Assemblyman Chivukula serves as an active member on the NJ Commission on Science and Technology. His efforts on the Commission were instrumental in planning the nation's first state-supported stem cell research institute.

Before becoming the first American of Asian Indian decent elected to the NJ State Assembly in 2001, Upendra had previously demonstrated his commitment to the public by serving as Mayor of Franklin Township for four years. In addition to serving as an Assemblyman, Chivukula continues his involvement by serving as a councilman and as a member of numerous Middlesex and Somerset County committees, including the Somerset County Affordable Housing Board of Trustees, the Cultural and Historic Commission, and the Middlesex County Cultural and Historic Commission.

Assemblyman Chivukula has built an impressive public service record as an elected official. However, no where is his leadership more notable than within the Indian-American Community. As one of the highest ranking Indian Americans in this country, Assemblyman Chivukula has worked to build public awareness and understanding of Indian-American culture, and has worked to ensure that issues facing the Indian American community are heard and addressed. His dedication to the Indian-American Community has been proven through his service on the national committee of the Association of Indians in America, as past secretary of the NJ Chapter of Indian American Forum for Political Education, and as past president of the Asian American Political Coalition. The outstanding leadership of Assemblyman Chivukula is evident even here, in Congress, as it was his work with Congressman Frank Pallone that led to the creation of the Congressional Caucus on India and Indian Americans.

On a personal note, it is with much gratitude that I want to recognize the efforts of Assemblyman Chivukula and his wife Dayci and Mr. Harish Mehta to organize forty members of the Indian-American community in central New Jersey to visit Washington, D.C., as part of my Indian-American ''DC Day,'' on Thursday, September 30th, to meet with members of the Congress and leaders of academic and non-profit organizations to discuss important issues affecting Indian-Americans nationwide. This is a good example of the Assemblyman's efforts to educate and involve the Indian-American community in public affairs.

Mr. Speaker, people like Assemblyman Chivukula help make our community in Central New Jersey strong and well-informed. I ask you, Mr. Speaker, to join me in commending him.

TRIBUTE TO MR. SAM FLOWERS, FOUNDER AND PRESIDENT OF THE HICA ORGANIZATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a man who can be described in many ways. A good son, a husband, father, grandfather, neighbor, friend, churchman, community leader and much more. I simply call him a giant who has devoted more than 50 years of his life to helping human-kind.

Sam was one of the early African Americans who moved into the North Lawndale community. He did not just move in, he jumped in with both feet and immediately began to help organize block clubs, became an active member of the Presentation Church and helped to anchor many of its activities. In Sam's community many of the people could not get bank loans or mortgages and were buying their homes on contract. They discovered that they were being ripped off and thus formed the Contract Buyers League. Sam played an active role.

In the 1960's the Lawndale Peoples Planning and Action Conference was formed, Sam was an active member, later on Pyramidwest Development Corporation was formed. Sam became a member of its board. Out of these groups and organizations came the California Gardens nursing home, Community bank of Lawndale, the Martin Luther King, Jr. shopping center and plaza.

Sam eventually helped develop the Garfield Counseling Center, formed HICA and is currently involved with a housing development project for low and moderate income people. When you drive down Independence Boulevard you can see these buildings going up between Arthington and the Eisenhower Expressway. Sam was a tireless worker who never gave up. He gave every ounce of his strength and devotion that he could muster to his beloved family of which the North Lawndale Community is an integral part. Well done our good and faithful servant, you have moved to another community where peace will forever be present.

NOBEL PEACE LAUREATES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. MARKEY. Mr. Speaker, from November 10th–12th, in Rome, Italy, over 20 Nobel Peace Laureates and Nobel Peace organizations met and addressed core challenges to our world under the theme—''A United World or a Divided World? Multiethnicity, Human Rights, Terrorism.''

The Nobel Peace Summit was sponsored under the high patronage of the President of the Italian Republic, the city of Rome, and the Gorbachev Foundation.

My friend Jonathan Granoff, President of the Global Security Institute, lead the delegation of the Laureate organization the International Peace Bureau (IPB), and was instrumental in the drafting of the final statement of the Summit.

I believe it represents a valuable. contribution made by a group with profound moral authority. I believe we should consider their concerns in our deliberations here in the U.S. Congress.

FINAL STATEMENT OF THE 5TH SUMMIT OF NOBEL PEACE LAUREATES

November 12, 2004, Rome, Italy

Two decades ago, the world was swept with a wave of hope. Inspired by the popular movements for peace, freedom, democracy and solidarity, the nations of the world worked together to end the cold war. Yet the opportunities opened up by that historic change are slipping away. We are gravely concerned with the resurgent nuclear and conventional arms race, disrespect for international law and the failure of the world's governments to address adequately the challenges of poverty and environmental degradation. A cult of violence is spreading globally; the opportunity to build a culture of peace, advocated by the United Nations, Pope John Paul II, the Dalai Lama and other spiritual leaders, is receding.

Alongside the challenges inherited from the past there are new ones, which, if not properly addressed, could cause a clash of civilizations, religions and cultures. We reject the idea of the inevitability of such a conflict. We are convinced that combating terrorism in all its forms is a task that should be pursued with determination. Only by reaffirming our shared ethical values—respect for human rights and fundamental freedoms—and by observing democratic principles, within and amongst countries, can terrorism be defeated. We must address the root causes of terrorism—poverty, ignorance and injustice—rather than responding to violence with violence.

Unacceptable violence is occurring daily against women and children. Children remain our most important neglected treasure. Their protection, security and health should be the highest priority. Children everywhere deserve to be educated in and for peace. There is no excuse for neglecting their safety and welfare and, particularly, for their suffering in war.

The war in Iraq has created a hotbed of dangerous instability and a breeding ground for terrorism. Credible reports of the disappearance of nuclear materials cannot be ignored. While we mourn the deaths of tens of thousands of people, none of the goals proclaimed by the coalition have been achieved.

The challenges of security, poverty and environmental crisis can only be met successfully through multilateral efforts based on the rule of law. All nations must strictly fulfil their treaty obligations and reaffirm the indispensable role of the United Nations and the primary responsibility of the UN Security Council for maintaining peace.

We support a speedy, peaceful resolution of the North Korean nuclear issue, including a verifiable end to North Korea's nuclear weapons program, security guarantees and lifting of sanctions on North Korea. Both the six-party talks and bilateral efforts by the United States and North Korea should contribute to such an outcome.

We welcome recent progress in the talks between Iran and Great Britain, France and Germany on the Iranian nuclear program issue and hope that the United States will join in the process to find a solution within the framework of the International Atomic Energy Agency.

We call for the reduction of military expenditures and for conclusion of a treaty that would control arms trade and prohibit sales of arms where they could be used to violate international human rights standards and humanitarian law.

As Nobel Laureates, we believe that the world community needs urgently to address the challenges of poverty and sustainable development. Responding to these challenges requires the political will that has been so sadly lacking.

The undertakings pledged by states at the UN Millennium Summit, the promises of increased development assistance, fair trade, market access and debt relief for developing countries, have not been implemented. Poverty continues to be the world's most widespread and dangerous scourge.

Millions of people become victims of hunger and disease, and entire nations suffer from feelings of frustration and despair. This creates fertile ground for extremism and terrorism. The stability and future of the entire human community are thus jeopardized.

Scientists are warning us that failure to solve the problems of water, energy and climate change will lead to a breakdown of order, more military conflicts and ultimately the destruction of the living systems upon which civilization depends. Therefore, we reaffirm our support for the Kyoto Protocol and the Earth Charter and endorse the rights-based approach to water, as reflected in the initiative of Green Cross International calling upon governments to negotiate a framework treaty on water.

As Nobel Peace Prize Laureates we believe that to benefit from humankind's new, unprecedented opportunities and to counter the dangers confronting us there is a need for better global governance. Therefore, we support strengthening and reforming the United Nations and its institutions.

As immediate specific tasks, we commit to work for:

—Genuine efforts to resolve the Middle East crisis. This is both a key to the problem of terrorism and a chance to avoid a dangerous clash of civilizations. A solution is possible if the right of all nations in the region to secure viable statehood is respected and if the Middle East is integrated in all global processes while respecting the unique culture of the peoples of that region.

—Preserving and strengthening the Nuclear Non-Proliferation Treaty. We reject double standards and emphasize the legal responsibility of nuclear weapons states to work to eliminate nuclear weapons. We call for continuation of the moratorium on nuclear testing pending entry into force of the Comprehensive Test Ban Treaty, and for accelerating the process of verifiable and irreversible nuclear arms reduction. We are gravely alarmed by the creation of new, usable nuclear weapons and call for rejection of doctrines that view nuclear weapons as legitimate means of war-fighting and threat pre-emption.

—Effectively realizing the initiative of the UN Secretary General to convene a high level conference in 2005 to give an impetus to the implementation of the Millennium Development Goals. We pledge to work to create an atmosphere of public accountability to help accomplish these vitally important tasks.

We believe that to solve the problems that challenge the world today politicians need to interact with an empowered civil society and strong mass movements. This is the way toward a globalization with a human face and a new international order that rejects brute force, respects ethnic, cultural and political diversity and affirms justice, compassion and human solidarity.

We, the Nobel Peace Laureates and Laureate organizations, pledge to work for the realization of these goals and are calling on governments and people everywhere to join us.

Mikhail Gorbachev, Kim Dae-Jung, Lech Walesa, Joseph Rotblat, Jose Ramos-Horta, Betty Williams, Mairead Corrigan Maguire, Carlos Filipe Ximenes Belo, Adolfo Perez Esquivel, and Rigoberta Menchu Tum; and, United Nations Children's Fund, Pugwash Conferences, International Physicians for the Prevention of Nuclear War, International Peace Bureau, Institut de Droit International, American Friends Service Committee, Medicins sans Frontíeres, Amnesty International, United Nations High Commissioner for Refugees, International Labour Organization, International Campaign to Ban Land Mines, Albert Schweitzer Institute, United Nations.

COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my concerns with the bill before us, H.R. 5382, the Commercial Space Launch Amendments Act.

This bill establishes a regulatory mechanism for licensing commercial suborbital human spaceflight activities.

The space exploration research program has been one of the most successful research programs in the history of this country.

The rationale for human spaceflight is evolving due to a growing commercial motivation. Human spaceflight can profit from an increased synergy between the public and private sectors.

Space tourism can benefit immensely from the development of the necessary infrastructure, while public space programs can benefit from increased awareness and support for human spaceflight, generated by high-profile space tourism flights and a growing perception that space travel is closer to being within the grasp of ordinary citizens.

I supported this legislation when it was brought before the committee.

However, one of my primary concerns is the regulation of safety, since space travel is inherently dangerous. Under no circumstances should we allow the desire for profits to ever interfere with the responsibility of maintaining safety and proper oversight.

We can and should protect the safety of passengers on space flights.

Legislation of this magnitude should have the benefit of bipartisan input from the appropriate committees with jurisdiction.

Further negotiations would make this bill more palatable. I ask my colleagues to not act hastily in advancing this legislation.

HONORING PATRICIA FRANCES EATON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. LEE. Mr. Speaker, I rise today on behalf of myself and Congresswoman Eleanor Holmes Norton to honor the extraordinary life of Patricia Frances Eaton, a devoted teacher, advocate, humanitarian, and friend. Pat, who spent her life traveling the world to support those in need, passed away on October 22, 2004 in Arlington, Virginia. She is survived by her son, David Howard Kuria Eaton, her brother, Harold Eaton, Jr., her god-sister, Jean Chin Tapscott, and many nieces, nephews, cousins, and loving friends.

Born on June 21, 1944 in Washington, D.C., Pat was the youngest of five children born to Harold and Ordee Scruggs Eaton. Following her studies at Palmer Memorial Institute and Howard University, Pat graduated from Texas Southern University with a B.A. in English in 1967. Upon her graduation, Pat became part of the first group of volunteers to travel to the newly independent southern Africa with the United States Peace Corps. Braving extreme weather conditions and relying on a horse as her only means of transportation, she lived in a Lesotho village for more than two years. During that time she grew to love the lands and people of the most remote regions of Africa, and her experience in the Peace Corps became the inspiration that she would draw upon in traveling through and working on behalf of Africa throughout the rest of her life.

Returning to the U.S. in 1970, Pat used her knowledge and experience to work as a volunteer to raise funds to start Africare, an organization dedicated to providing funds for water supply, health resources, and agricultural development in drought-stricken West Africa, or the Sahel. During this time, Pat worked as a teacher at McKinley High School, and also worked briefly for the D.C. government. She was later able to work full-time at Africare as its first Director of Communications and Chapter Development, a capacity in which she traveled across the country in order to identify and coordinate cities with development projects in the Sahel.

In the mid–1970s, Pat was recruited by the U.N. Development Program's newly established Women-In-Development project. Known for her expertise in working in rural and isolated villages in Africa, Pat was the ideal choice to work on this project, which sought to increase women's productivity through income-generating projects. Her background led also to later appointments as the Executive Director of the Black Women's Community Development Foundation, the Director for Africa of the Overseas Education Fund of the League of Women Voters, and various contract projects with USAID, the Peace Corps, and other groups. Pat's work in these areas led her to spend the better part of twenty years traveling through twenty-two African countries, often with few companions and little more than a single suitcase, but always with an eagerness for knowledge and full immersion within the culture of each group she encountered. Whether she was passing through the caves of Mali's Timbuktu, the pyramids of Egypt, or Zambia during the Rhodesian War and subsequent Lancaster conference, Pat lived as one with the African people whose lives she shared throughout her journey.

After returning to the United States in 1983 for the birth of her son, David, Pat took a position as the Director of West Africa for the D.C.-based African Development Foundation. In 1986, she made the decision to settle in the U.S., and began teaching English again, this time at Wilson Senior High. Later advancing to the position of Director of the school's International Studies Program, Pat drew upon the richness of her experiences abroad not only to

encourage students to seek out knowledge and understanding of foreign affairs and cultures, but also to encourage career exploration in the international arena, especially among minority students.

On November 20, 2004, Patricia Eaton will be honored in Washington, D.C. for the impact her life and work has had on her students in the U.S., the people who came to know her in Africa through her decades of work there, and everyone else who has been fortunate enough to have her in their lives. On this day we take time not only to honor her memory, but also to give thanks for the spirit of giving and mutual understanding that shaped her work in life, and that will continue to impact the lives of future generations for years to come. On behalf of the 9th Congressional District and the District of Columbia, we salute the life and work of Pat Eaton. Her example is a true inspiration, and she will be greatly missed by all.

SHEILA SUESS KENNEDY'S INDIANAPOLIS STAR ARTICLE: ''WE THE PEOPLE BELIEVE IN VALUES''

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. CARSON of Indiana. Mr Speaker, it is with pleasure that I submit the attached article, "We the People Believe in Values'' for inclusion in the CONGRESSIONAL RECORD. This article was written by Sheila Suess Kennedy, associate professor of law and public policy at the Indiana University School of Public and Environmental Affairs in Indianapolis. It originally appeared in the November 15, 2004 edition of the Indianapolis Star.

[From the Indianpolis Star, Nov. 15, 2004]

WE THE PEOPLE BELIEVE IN VALUES

(Sheila Suess Kennedy)

Pundits tell us that voters came out on Nov. 2 to vote for ''values.'' They sure didn't vote for mine.

Let me be quite explicit about my values, which are shared by millions of others—values that infuse the Declaration of Independence, the Constitution and the Bill of Rights, values that are absolutely central to what it means to be American.

We believe in justice and civil liberties—in equal treatment and fair play for all citizens, whether or not we agree with them or like them or approve of their life choices.

We believe that no one is above the law—and that includes those who run our government.

We believe that dissent can be the highest form of patriotism. Those who care about America enough to speak out against policies they believe to be wrong or corrupt are not only exercising their rights as citizens, they are discharging their civic responsibilities.

We believe that playing to the worst of our fears and prejudices, using ''wedge issues'' to marginalize gays, or blacks, or ''East Coast liberals'' (a time-honored code word for Jews) in the pursuit of political advantage is un-American and immoral.

We believe, as Garry Wills recently wrote, in ''critical intelligence, tolerance, respect for evidence, a regard for the secular sciences.''

We believe, to use the language of the Nation's Founders, in ''a decent respect for the opinions of mankind'' (even European mankind).

We believe in the true heartland of this country, where people struggle to provide for their families, dig deep into their pockets to help the less fortunate, and understand their religions to require good will and loving kindness.

We believe that self-righteousness is the enemy of righteousness.

We really do believe that the way you play the game is more important, in the end, than whether you win or lose. We really do believe that the ends don't justify the means.

In our America, borrowing from our grandchildren so that we can pay for a costly war without taxing the president's buddies and campaign contributors is not moral.

Dividing the Nation into red and blue, gay and straight, moral and immoral, welcome and unwelcome, is not moral. Excusing our own sins by pointing to the sins of others—torturing people, or engaging in ''holy war'' because ''they'' do it too, is not moral. Lying—about sex or weapons of mass destruction or an opponent's war record—is not moral.

On Election Day, claimants of the ''values'' label came to the precinct where my youngest son was working to ''vote against the queers.''

In my precinct, when I handed a Democratic slate to a voter, he accused me of being a ''friend of Osama.'' A friend's son registering voters for Baron Hill in a church was called a ''fag lover.''

The people who live in my America need to reclaim the vocabulary of patriotism and values from those who have hijacked the language in service of something very different.

DEATH OF CHARLES W. CHERRY, SR.

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today with a heavy heart to pay my respects to Charles W. Cherry.

I was extremely saddened upon hearing the news of the death of Mr. Charles Cherry. I knew Mr. Cherry since my days at college, and fondly remember him as an outstanding civil rights advocate, and a fighter for the civil rights of the African American community. Mr. Cherry was, most of all, an extremely effective community leader, and always stood up for the poor and the underprivileged, even in the most adverse circumstances.

On a biographical note, I think it is important to recognize that Charles and his family were the founders of the Daytona Times, an influential weekly African American community newspaper, and a Member of The City Council. Additionally, Mr. Cherry should also be recognized as being only the second African-American student to receive both a Juris Doctor and an MBA from The University of Florida.

He was an activist and an entrepreneur who fervently believed that underprivileged communities thrive when offered economic opportunity.

He moved to Daytona Beach in 1952 and became active in the civil rights movement, participating in sit-ins and other efforts in the 1960s to bring about integration.

He became president of the Volusia County branch of the NAACP in 1971, was president of the State of Florida NAACP from 1974 to 1984, and later headed the local chapter again. He served on the NAACP's national board for 12 years starting in 1977.

All Floridians are grateful for the leadership he provided and will miss his presence and persistence when it came to the issues he championed.

I will miss him dearly, and his family will remain in my thoughts and prayers.

IN RECOGNITION OF OLYMPIC GOLD MEDALIST HEATHER O'REILLY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. HOLT. Mr. Speaker, I rise today to recognize Heather O'Reilly, one of America's most talented rising soccer players and student-athletes. Heather has been a vital member of the U.S. national soccer team and the University of North Carolina soccer team.

Heather, along with her teammates, earned the 2004 Olympic Gold medal in soccer. During the semifinal game against Germany, Heather netted the key goal in overtime, sending the team into the Olympic gold metal soccer finals. She has been apart of the national team since 2002 and has scored over eighteen goals.

Born in East Brunswick, New Jersey, on January 2, 1985, Heather lived with her parents, Andrew and Carol O'Reilly and three brothers. She attended East Brunswick High School, where she played soccer and basketball. Heather is one of New Jersey's finest players; she was All-Conference, All-County, and All-State all four years. She was a three-time NSCAA All-American and a Parade All-America. As a senior, Heather was the Parade National Player of the Year and the Gatorade National High School Girl's Soccer Player of the Year. She scored 143 goals in High School and led the Lady Bears to a state championship in 2001. She was the top soccer college recruit in the country.

At the University of North Carolina, despite suffering an injury, Heather helped lead the Tar Heels to a perfect record (27–0–0) and a Division I NCAA Championship. She earned All-American honors and named Freshman Player of the Year from numerous soccer organizations across the country. On November 13, 2004, she tied the NCAA tournament record for most assists in a game in the Tar Heels' quest for another championship.

Apart from playing soccer, Heather is a model student-athlete. While in high school, Heather was a member of National Honor Society and now as a college student, she continues to maintain a strong grade point average.

Mr. Speaker, on behalf of the entire 12th district of New Jersey, I would like to recognize Heather O'Reilly for her Olympic gold metal in soccer, and commend her for representing the state of New Jersey and our country with pride and excellence.

TRIBUTE TO MS. KATIE PATTERSON BOOTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a woman who has stood as a giant in her community and all throughout the country. Ms. Katie Patterson Booth at the age of 95 is still mentoring, nurturing, and leading in her community of Gulfport, Mississippi.

Ms. Booth has earned a reputation of fighting for those that society would call the dispossessed, disenchanted, and brokenhearted. Ms. Booth through her boundless energy and passion continues to volunteer in her community—often she can be found encouraging young people to stay in school and avoid gangs. She is a woman on a mission to improve the quality of life for the residents in her community.

Ms. Booth spent many years in Chicago where she also made her presence known by fighting for justice, equality and opportunity for African Americans and poor people. She worked to help establish Bethune-Cookman College. In addition, she organized and founded Jobs Corps of America while serving as the Program Developer for National Church Women United.

Ms. Booth has received numerous awards and accolades. Including the Laurel Wreath Award presented annually to an individual that made significant contributions in the community, the Admiral Award, a high honor given to a Gulfport citizen, the Harriet Tubman Award, and the Frances Hooks Award given by the NAACP.

I am pleased to honor and recognize the work of Ms. Katie Booth. She is a shining example of doing justice, loving kindness and walking humbling with God. On behalf of the constituents of the Seventh Congressional District of Illinois I commend Katie Patterson Booth for her commitment to education, courage, perseverance, and can do spirit.

INTRODUCTION OF THE ''UNIVERSAL SERVICE ANTIDEFICIENCY SUSPENSION ACT''

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. MARKEY. Mr. Speaker, I rise to introduce the ''Universal Service Antideficiency Suspension Act,'' legislation that is necessary to address an abrupt change in the accounting requirements for the E-rate program which has led to a suspension of funds previously committed to K–12 schools and libraries around the country.

Mr. Speaker, a few months ago, the Federal Communications Commission (FCC), at the behest of the Bush Administration's Office of Management and Budget, decided to require that certain provisions of the ''Antideficiency Act'' (as contained in various provisions of title 31 U.S.C.) apply to the E-rate program for K–12 schools and libraries.

The result of the FCC's decision was that millions of dollars in committed funding to schools and libraries around the country was held up, and millions more put in jeopardy of not being released in timely fashion under the E-rate program. The decision to apply the provisions of the Antideficiency Act to the E-rate program also implicates other similar universal service programs for low income consumers and rural consumers in high cost areas.

Moreover, the FCC's decision will likely mean an unnecessary increase in consumer fees to all residential and business consumers starting January 1st to cover the new accounting requirements. This is why this bill needs to pass before Congress adjourns for the year.

The purpose of this legislation is to suspend the requirements of the Antideficiency Act for programs within the Universal Service Fund (USF), including the E-rate program, from the date of enactment through December 31, 2005. This will rectify for a period of time the problems caused by the FACC's decision to alter the accounting rules which govern such programs. This legislation is similar to legislation introduced in the Senate yesterday by Senator OLYMPIA SNOWE and Senator JAY ROCKEFELLER.

The E-rate program has helped transform our country's schools and libraries. Since it was adopted as part of the Telecommunications Act of 1996, it has assisted bringing the future into America's classrooms. While in 1996 only a small handful of classrooms and libraries were Internet capable, now approximately 95 percent of all public Internet access and over 90 percent of all K–12 classrooms have Internet access. It has become part of the educational experience for millions of schoolkids across the nation.

That's the reason why I named the program the ''E-rate,'' for ''education rate''—because I wanted to underscore the central educational mission for the program, especially for those poorer schools or more remote classrooms which might have been adversely affected by a ''digital divide'' in access to the skill set these kids would need in a new economy. The E-rate has been indispensable in assisting these schools and provides discounts between 20 and 90 percent to such educational entities depending upon their resources. I know from first-hand experience from my own State that this program has proven educational importance and value to millions of kids. In the last 5 years alone, over $180 million in supportive funding has gone to Massachusetts schools and libraries.

When I was Chairman of the Telecommunications Subcommittee in 1993, while that panel was considering proposals to revamp our nation's telecommunications laws, I wrote to the CEOs of the top 20 telephone and cable companies at that time to request that they provide free telecommunications links to our nation's schools. Only 3 reported their willingness to do so. As a result, I fought to make sure that our telecommunications legislation would include a requirement that such telecommunications companies better serve our schools because I felt this was vital for our educational system going into the digital era.

During the Subcommittee mark-up on the bill on the 1st of March, 2004, I introduced and successfully added the E-rate provision as an amendment to the pending telecommunications legislation. That bill, H.R. 3636, later passed the House of Representatives in June, 2004, by a vote of 423–4. Unfortunately, the Senate failed to pass similar legislation in that Congress and my legislative effort to establish the E-rate died on the Senate side prior to the 1994 elections. In the next Congress, with Republicans taking control of the House and Senate, similar efforts to pass a comprehensive Telecommunications Act were successful, and the E-rate provision was added to the Senate bill in the Senate Commerce Committee by Senator OLYMPIA SNOWE (R–ME), in an amendment that was also cosponsored by Senators ROCKEFELLER (D–WV), EXON (D–NE), KERREY (D–NE), and several others.

To administer this E-rate provision, as well as other universal service provisions from the Telecommunications Act of 1996, the Universal Service Administration Company (USAC) was established. This is the entity that received the directive from the FCC to implement new accounting rules to govern the E-rate program. USAC had previously utilized accounting rules that private sector entities use, but now USAC has been compelled to utilize government accounting rules which compel it to hold large cash reserves on its books by the end of the fiscal year to cover its commitments. Since this accounting decision came late in the fiscal year, USAC struggled to comply and was forced to freeze the E-rate program. And while USAC and the FCC believe that the program can begin again to act upon applications for E-rate funding, USAC has notified the Commission that the new accounting rules will compel it to raise the USF contribution level. This increase will likely be passed along to consumers.

While the last hours of this session are approaching, I believe that this legislation can still pass and must pass now, as a standalone bill such as this one I am offering, or as part of another package of bills—and I urge my colleagues to join in efforts to correct the problem that the Bush Administration's OMB and the FCC have created for this invaluable program. This legislation is simply designed to rectify this situation until a long-term solution can be achieved.

SALUTE TO DEPARTING TEXAS HOUSE MEMBERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to seven of Texas' finest public servants, seven men who have served our country, their native State, and their congressional districts with great honor and distinction over the years.

I am talking about Representatives CHRIS BELL, CIRO RODRIGUEZ, JIM TURNER, MARTIN FROST, CHARLES STENHOLM, NICK LAMPSON and MAX SANDLIN.

Congressman MARTIN FROST is one of Texas' true giants, a man who has served this House and the people of the 24th District of Texas with great dignity for 26 years.

MARTIN is truly a classic. His hard work and dedication are legendary. MARTIN's reputation as a hard-working, fair, and effective Representative is well known and well deserved. It was under his guidance that we saw the passage of the Amber Alert. This legislation was authored by Congressman FROST in response to the kidnapping and murder of a nine-year-

old girl from Arlington, Texas. His bill went on to create a ''Two Strikes'' law mandating life in prison after a second sex offense against a child.

Congressman FROST has a long record of leadership in Congress, bringing common sense and a practical approach to a variety of senior positions. As chairman of the House Democratic Caucus from 1999 until January 2003, and later as a Ranking Democratic Member of the House Rules Committee, MARTIN has crafted far-reaching and landmark legislation that will leave a lasting imprint on America's landscape and people.

Mr. Speaker, I also join with my fellow colleagues in recognizing the many accomplishments of CHARLIE STENHOLM who has served this body well for 25 years. His advocacy for this Nation's Agricultural community and fiscal policy has been tireless. Named ''the spiritual godfather of fiscal austerity,'' STENHOLM has consistently fought for fiscal responsibility in the federal budget. A farmer, a third generation Texan, a father, a very proud grandfather—Congressman CHARLIE STENHOLM has effectively served the 17th Congressional district of Texas with distinction.

Mr. Speaker, I also rise today to pay tribute to my friend and colleague, CIRO RODRIGUEZ. He has demonstrated 7 years of exemplary service in this House and an extensive record of promoting the rights and benefits of the more than 50,000 veterans in the 28th District who answered the call to serve. Congressman RODRIGUEZ worked closely with local community leaders on a range of issues to promote the interests of the many counties, cities, towns and residents within his congressional district. I am also grateful to CIRO for his work in helping me to fight for civil rights for minorities in this country.

My other colleague, NICK LAMPSON took office to represent the 9th Congressional District in 1997. This former high school science teacher, served as the Ranking Member of the Science Committee's Subcommittee on Space and Aeronautics, and is a strong advocate for the Johnson Space Center and the entire NASA manned space program. He also served with me on the Transportation and Infrastructure Committee, where he fought for federal highway construction and repair funds, and the improvement of Houston and Southeast Texas airport facilities. His leadership has been invaluable to the committee. I am proud to call him my friend. I join with the House in expressing my sadness at his departure and my best wishes for success in all of his future endeavors.

Mr. Speaker, MAX A. SANDLIN was elected to Congress in 1996. As a Member of the Ways and Means Committee MAX's main concern for the needs of older Americans was genuine and his dedication to improve rural education was and continues to be vitally important to all Americans. His constituents will miss his dedication, and so will the Members of this House.

My other colleague from Texas, CHRIS BELL represented our State on the Financial Services Committee. CHRIS has worked tireless on issues of importance to Texas residents. CHRIS is a kind and caring loving being and a good legislator. He has served Texas' Twenty Fifth District with distinction.

Another House Member I find it hard to say goodbye to is JIM TURNER. He represents the good people in the 2nd District of Texas, and he is the Ranking Member of the House Select Committee on Homeland Security. Before, he was elected to Congress he served in the Texas Senate with me. In the Texas Senate, he was recognized as an outstanding legislator by a number of statewide organizations for his leadership in health care, criminal justice, education and on behalf of Texas children. He also served in the Texas House for 10 years. As the Ranking Member of the House Select Committee on Homeland Security and Terrorism Subcommittee, JIM worked hard to protect the safety and security of the American people in the war on terrorism. In addition, his work in Congress focused on promoting economic development and forestry in East Texas. He continues to work for senior citizens through his sponsorship of legislation to lower prescription drug costs.

Mr. Speaker, it is with great sadness that I bid farewell to my friends and colleagues. However, I know in my heart that their dedication to the American people will not end here. I wish them the best for their future endeavors and with whatever challenges may lay ahead.

RECOGNIZING THE BOY SCOUTS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. LEE. Mr. Speaker, today voted with my colleagues in support of H. Res. 853, recognizing the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across the United States.

Althouh I voted in support of this resolution, I remain concerned by the Boy Scouts continuing discrimination against gays and lesbians.

An organization that purports to teach children ''principles which are conducive to good character, citizenship, and health'', as indicated by this resolution, and which ''teaches the core values of duty to God and country, personal honor, respect for the beliefs of others, volunteerism, and the value of service and doing a 'good turn' daily'' does a disservice to children when it teaches them that it is okay to discriminate against someone based on their sexual orientation.

While we as a Congress can and should support the good deeds done by individual Boy Scouts and troops throughout the country, we should not overlook or tacitly condone the discriminatory policies and attitudes of the larger organization or its administrators.

IN HONOR AND REMEMBRANCE OF SGT. MORGAN WILLIAM STRADER

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. CARSON of Indiana. Mr. Speaker, I rise today to honor the life and service and sacrifice of Sergeant Morgan William Strader, formerly of Brownsburg, Indiana, who was tragically killed in the line of duty on November 12, 2004 while serving his country in Iraq. His father lives in my district.

Sgt. Strader loved his country. He recognized the impending danger of serving his country in Fallujah. Notwithstanding, he chose to serve. Our city, state and country have much pride for the young 23 year old.

Morgan Strader grew up in Brownsburg, Indiana where he attended school through the seventh grade. He moved to Crossville, Tennessee in the eighth grade where he was active on the high school track team and wrestling squad. Upon graduation he left to join the Marines.

Morgan served with the 3rd Battalion, 1st Marine Regiment in Iraq from February to June of last year, and returned to Camp Pendleton, California, where he was assigned to military police duty pending his discharge in July. But Sgt Strader couldn't bear the thought of his unit returning to Iraq without him, says his father, Gary Strader, of Speedway Indiana. Instead, he asked that his enlistment be extended for another year, and returned with his unit to Iraq in July.

As his battalion prepared for the battle in Fallujah, Sgt Strader developed a skin condition that made him eligible to be sent home. But Morgan Strader ''decided he wasn't coming home,'' his father recalls. ''He said, 'Dad, the guys in my unit aren't experienced in this. I need to help them.' '' He was killed in the battle of Fallujah on Friday, November 12.

Morgan Strader loved fishing with his grandpa. He had a strong faith in God and he loved serving in the Marine Corps. Sgt Strader's father describes him as ''a Marine from the day he was born . . . His grandfather was in the Army during Korea. He latched onto that and loved it.''

His high school English teacher Angela Bradley testifies to his keen sense of humor and strong moral values. ''All Morgan ever talked about doing when he was in high school was to be a Marine and to be a minister.''

Sgt Strader is survived by his grandparents Lonnie and Estelle Morgan of Hebbertsburg, Tennessee; his mother Linda Morgan of Dumfries, VA; his father Gary Strader of Speedway, Indiana; his uncle Jimmy and aunt Teresa Barnett of Westel, Tennessee; and his cousins Austin Barrett and Angel Morgan.

Morgan William Strader will be deeply missed. His strength and service to his country, friends, family, and God will be remembered always by all whom he inspired and loved.

The citizens of the Seventh District of Indiana extend our deepest gratitude for his sacrifice and dedication to public service.

PROVIDING FOR CONSIDERATION OF S. 2986, INCREASING THE PUBLIC DEBT LIMIT

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise to oppose this resolution.

The Republican leadership is trying to have it both ways. When President Bush took office in 2001, he inherited a budget that was in balance and actually had a surplus. There was no need to increase the debt limit, because

we were actually reducing the debt of the United States.

When President Bush took office, his Office of Management and Budget, OMB, projected that the nation would not reach its statutory debt limit until 2008.

However, due to the irresponsible fiscal policy of the Republican leadership in the House, due mainly to the tax cuts that cut revenue we needed to keep the budget in balance, we are at this place, increasing the debt limit.

In 2001, the budget surplus was cut almost in half, in 2002, the budget plunged into deficit; in 2003, the deficit grew to the largest in history; and in 2004, the deficit broke its own new record.

This third increase in 4 years should be seen as the symptom of a larger problem. What is the response of the Republicans? More tax cuts, decreasing the revenue into the treasury and cutting important programs to all Americans.

This debt limit is not related only to the ability of the United States Government to borrow money. This huge debt is affecting our ability to buy goods overseas, and the ability of the dollar as a reserve currency for the rest of the world is being affected. One day we will wake up with an even larger debt and the Euro will be the currency of choice for the rest of the world. We will be shut out of markets and the interest we pay to borrow even more will rise, costing us more to pay our debt, and reducing the services we supply to our constituents.

This includes Social Security and Medicare. By passing this administration's tax cuts, it reduced revenue to the country by $12.1 trillion to $14.2 trillion over the next 75 years. This is three times the projected shortfall in Social Security. And it exceeds the combined long-run unfunded obligations of both Social Security and Medicare.

Mr. Speaker, we must stop the bleeding and this bandage will not fix the problem!

IN RECOGNITION OF OLYMPIC GOLD MEDALIST JASON READ

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. HOLT. Mr. Speaker, I rise today to honor Jason Read on his gold medal performance in rowing at the 2004 Olympic Games held in Athens, Greece, and also to commend him on his heroic service to the American people on September 11, 2001.

Read and his fellow teammates from the U.S. Men's Elite rowing team won the gold medal at the Olympic Games in Athens, on August 22, 2004. Read helped his team set a new world record in their event. He has repeatedly stated how proud he was to represent America to the world at the Olympics, and he usually adds that he is also proud to serve as a local volunteer fire chief in Ringoes, New Jersey.

On September 11th, 2001 Jason Read, joined other workers in the rescue and recovery efforts by setting up field hospitals, treatment centers, and by searching for survivors at Ground Zero.

This past September, the people of Ringoes honored Read with a parade celebrating his Olympic gold medal and his contributions as a firefighter. As both an Olympic athlete and devoted fire chief, Read has demonstrated a strong sense of community and commitment to public service that can inspire every American.

Mr. Speaker, on behalf of the entire 12th district of New Jersey, I ask you and my colleagues to join me in congratulating Jason Read for his Olympic gold medal in rowing, and also, for his commitment to serve the people of Ringoes, New Jersey, and the people of America.

THE NEED FOR ACTION ON POSTAL REFORM

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. DAVIS of Illinois. Mr. Speaker, as the Ranking Member of the Committee on Government Reform's Special Panel on Postal Reform and Oversight, I rise to urge support for Postal Reform.

The United States Postal Service is a vital part of a $900 billion industry that employs more than 9 million people.

However, the Postal Service is experiencing a downward economic spiral. First Class mail volume continues to decrease with the use of technology, such as e-mail and faxes; operating costs as well as the number of addresses to which the Postal Service must deliver every day are increasing; and the Postal Service is additionally hampered by an untenable debt load.

In recognition of the dire situation of the Postal Service—the President in December 2003, created a bipartisan Commission to examine the operation and financial challenges faced by the Postal Service, the first such action taken in over 30 years. Using the Commission's recommendations as a foundation, I am proud to have been a part of the Government Reform Committee's bipartisan effort to unanimously pass The Postal Accountability and Enhancement Act of 2004, which will help ensure a viable future for the United States Postal Service.

This bill protects collective bargaining rights, allows the Postal Service flexibility in ratemaking, releases escrow funds of $73 billion to be used to fund health and pension obligations and transfers military service obligations back to the Treasury. The result of all of provisions is postage rate stability, which will maintain a strong customer-base, preserving the universal service provided by the Postal Service.

The President has displayed commitment to advancing postal reform legislation by the creation of his commission. I am now calling upon the White House to fulfill that commitment and to work productively with the Congress to achieve postal reform and rate stability for American ratepayers and businesses.

We have worked tireless to craft a strong bipartisan bill that address many of the challenges facing the United States Postal Service. But we cannot advance without the direct engagement of the White House. With an impending double-digit rate increase set to go into motion in the Spring of 2005, it is imperative that Congress, as well as the White House, follow through on our commitment to enact postal reform.

CELEBRATING THE BIRTH OF ELLIANA GRACE KUGLER

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. LOFGREN. Mr. Speaker, as the 108th Congress draws to a close, I think it is important that those of us who serve as Members of Congress pause to thank those whom the public rarely sees, our staffs. I think that all of us, both Republican and Democrat, acknowledge that without the talented staff we have to help us do our jobs, the Congress would be a poorer institution.

During this last year a significant—yes life-altering event—occurred for one of my key staff attorneys. Andrew Kugler, and his wife Jennifer celebrated the birth of their daughter Elliana Grace Kugler at 4:37 p.m. on September 6, 2004 at Sibley Memorial Hospital in Washington, D.C. She weighed in at a healthy 7 pounds, 3 ounces, and was 21 inches long.

Ellie has been blessed with a large, doting family. She's already had visits from her grandparents Hymen and Sharon Childs and Andy and Hedy Kugler, as well as her aunts Allyson Hale and Christine Kugler. Soon, she'll also get to meet her Uncle Marty and cousins Jacob and Benjamin Hale, as well as her many new friends in California, Texas and across the country.

Just as being parents makes each of us Members of Congress more able to appreciate the importance of our jobs here in the House of Representatives, when our staffs become parents their lives are also enriched, and their understanding of the importance of families is enhanced.

Mr. Speaker, I ask my colleagues to join me in welcoming Ellie into the world and wishing her and her family all the best. She has a very bright future ahead of her.

TRIBUTE TO SUE GARMAN

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. DELAY. Mr. Speaker, this year, NASA saw the retirement of one of its best and brightest. Sue Garman ended her 17 year career in public service.

Sue is one of the most amazing people I have ever met, and NASA lost a tremendous asset when she stepped down.

Sue strongly believes the future of our nation rests in our willingness and ability to achieve great things. She recognizes the role NASA serves in feeding the soul of America but inspiring young and old alike and quenching the basic human need to explore the unknown.

An incredibly dedicated worker, Sue served two stints away from her Houston home to serve at NASA's headquarters in Washington, DC. In spite of long hours away from her family, she worked tirelessly and seldom complained. She was passionate about the agency and even more passionate about the people around her.

Sue was a rare find in the workplace—a visionary with incredible attention to detail, an incredibly bright person with enormous heart.

She never sought glory or recognition for herself. Content to work behind the scenes, she strove to help Johnson Space Center and the entire NASA agency achieve greatness. Unlike astronauts or famous scientists, Sue rarely received the public recognition she so greatly deserved. But she did enjoy the respect, admiration, and love of those serving around her and within the Clear Lake community. Every time I've set foot in Clear Lake, I've heard folks sing Sue's praises.

A dedicated worker whose loyalty was legendary, a smart lady with vision for how things should be and the dedication to try to get there, Sue is a class act.

Her uncommon mixture of inspiration, commonsense and intellect will sorely be missed. But I am happy to know that she will now be focusing her attention on the more enjoyable and important things in life. Her time will now be spent at her beach house quilting and spending time with her husband and new grandchild. Sue, thanks for all your hard work and dedication. You are an inspiration to us all.

HONORING WAYNE SPRUELL

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. MCHUGH. Mr. Speaker, I rise today to honor Wayne Spruell, principal director for manpower and personnel, Office of the Assistant Secretary of Defense for Reserve Affairs, upon his retirement from Federal service and to thank him for his contributions to the United States of America over the past 36 years. Since graduating from the Virginia Military Institute in 1968, Mr. Spruell has served his country honorably and with great distinction in both the military and Federal civilian service.

His 3 years of active duty as a lieutenant in the U.S. Marine Corps included 18 months in the Republic of Vietnam. During this period he was awarded two Bronze Stars with combat device. Subsequent to his active duty, he completed 20 years in the Marine Corps Reserve, retiring in 1992 at the grade of lieutenant colonel.

Mr. Spruell's career as a Federal civilian employee began in the U.S. Customs Service and continued as an operations officer and intelligence analyst with the Central Intelligence Agency from 1972 until 1981. His assignments included overseas tours in Vietnam and Panama. In 1975, the CIA awarded him the Intelligence Star—an award for voluntary acts of courage performed under hazardous conditions or for outstanding achievements or services rendered with distinction under conditions of grave risk.

From 1981 until 1985, he had responsibility for the Army's individual training programs and then moved to the Office of the Assistant Secretary of Defense for Reserve Affairs as a program analyst. In recognition of his exceptional skill as a leader and manager, he was selected as the director for manpower programs, a position he held until 1994. Subsequently, his success and effectiveness as the principal director for manpower and personnel resulted in his selection as a member of the Senior Executive Service in 1999.

Mr. Spruell is the leading expert within the Department of Defense on National Guard and reserve manpower and personnel matters. In that capacity he has been instrumental in many of the legislative and policy initiatives that have fundamentally reshaped America's reserve components. His contributions to the Reserve Officers Personnel Management Act, the Reserve Component GI Bill, and military technician reforms were especially noteworthy. He led the transformation of reserve personnel management and employment by removing statutory and policy barriers to allow for the seamless integration of the active and reserve components while accomplishing defense missions. In the wake of the events of September 11, 2001, Mr. Spruell was the architect of the Department's personnel policies and procedures for mobilized Guard and Reserve members.

Noteworthy as these accomplishments are, there are other aspects of Mr. Spruell's career that I believe deserve our respect and thanks. For one thing, Mr. Spruell is a consummate, constant professional who can be counted on always to both lead and to provide reliable, objective insight and assistance in all matters pertaining to reserve component personnel. For another, over the years he has helped my subcommittee and others in Congress immeasurably in shaping important legislation and as a result has made a difference for the better in the lives of many. In my view, however, Mr. Spruell's value to this Nation and to the men and women who serve it in uniform rests in his unhesitating, unselfish commitment to doing the best job he can in every way, without thought of formal recognition or gain. That kind of lifelong dedication and professionalism is what makes his service doubly worth recognition.

When he retires in January, the Department of Defense will sorely miss his leadership, knowledge and experience. A dedicated patriot, Mr. Spruell leaves a legacy of unquestionable successes, positive relationships, and a solid foundation for the future. I want to thank him, on behalf of my colleagues on the House Armed Services Committee, for all that he has given to the Nation and to wish him, his wife Lan, and family well in all their future endeavors.

100TH ANNIVERSARY OF BELLEVILLE SHOE AND BELLEVILLE SHOE SOUTH

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. BERRY. Mr. Speaker, I rise today to congratulate a company that has spent 100 years making a name for itself and has been with our U.S. Armed Forces every step of the way. I am proud to recognize Belleville Shoe and Belleville Shoe South, Inc. in this Congress for their commitment to their community and all they do for our nation's soldiers.

While Belleville Shoe in Southwestern Illinois marks its 100th anniversary this year, Belleville Shoe South, based in DeWitt, Arkansas, has been a part of the Belleville Shoe Manufacturing Company since spring of 2002. It was then that Belleville reopened the DeWitt shoe plant that had closed four months earlier; today that plant employs 650 people, pumping $12 million in wages into the local economy annually.

Perhaps most important is the product the plant produces: boots for the U.S. Army. The plant's employees turn out an astonishing 3,600 boots each day for the Department of Defense and do so with a great deal of pride, knowing they are making shoes for America's military men and women.

Not surprisingly, much of the credit for Belleville's success belongs to the Weidmann family that has overseen the company since its creation in 1904. What started with William Weidmann in 1904 and has been passed down to the fourth generation in Eric Weidmann today has become a company that reflects the family that created it. Compassionate, unwavering and innovative.

Belleville Shoe has also improved the quality of life for many in DeWitt and the surrounding areas. The wages and benefits it offers exceed the area average; in fact, many employees have never had any benefits before working for Belleville. When a qualified labor pool in DeWitt began to dry up, Belleville hired two transportation companies to operate a van service to bring in about 100 employees from outlying areas to work at the plant.

On behalf of the Congress, I am honored to recognize Belleville Shoe and their contributions to the community they live in as well as the military community they serve so proudly. They are a shining example of what can transpire when a company treats its employees with respect, helps its community grow and creates a product that moves this country forward—one step at a time.

HONORING AND CONGRATULATING LACY AND DOROTHY HARBER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to two outstanding citizens of Denison, Texas, and my dear friends, Lacy and Dorothy Harber, owners of American Bank of Texas and LJH Corporation.

Lacy and Dorothy recently received the Denison Area Chamber of Commerce Large Business Award for their efforts in uniting the community through business and employment opportunities. The State of Texas House of Representatives awarded them a Certificate of Recognition for this prestigious award.

Lacy and Dorothy have devoted their time, talent, and resources to numerous worthy projects in Denison and Grayson County. They are beloved and respected by all those who know them, and they have been vital to growth and development in Denison.

Mary Ellen and I feel very fortunate to count them as our friends, and I am very fortunate to be their Congressman. Mr. Speaker, as we adjourn today, let us address in the House of Representatives these two exceptional leaders of the business world and generous people—Lacy and Dorothy Harber.

HONORING DAVE JARRETT FOR LIFETIME SERVICE TO VETERANS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to a remarkable individual from my home state of Kentucky. Dave Jarrett has been a longtime unsung hero in my congressional district as an advocate for veterans and mentor to countless young men and women considering enrollment in our Nation's military academies.

Dave demonstrated unusual courage and a selfless instinct to help others from an early age, graduating with distinction from the Naval Academy and serving our country honorably in the Vietnam war. This keen sense of duty and sacrifice was an early indication of his character, qualities that have made him a brilliant public servant in the years that have followed.

A disabled veteran himself, Dave volunteers generous amounts of time as District Commander of Disabled American Veterans, attending meetings and advising fellow veterans on benefit issues. He meets with veterans at the Hardin County Courthouse every Thursday to help them with the process of filing for veteran benefits. He also serves as a member of the Second Congressional District Military Academy Nomination Board and as a Blue and Gold officer for the U.S. Naval Academy.

As we pay tribute to our nation's veterans this week, I would like to recognize Mr. Jarrett, before the entire U.S. House of Representatives, for his lifelong example of leadership and service. His efforts, from Annapolis to Southeast Asia to Hardin County, make him an outstanding American, worthy of our collective respect and honor.

GERALD ''SUBIYAY'' MILLER RECEIVES HERITAGE FELLOWSHIP

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. DICKS. Mr. Speaker, on September 30, in the Cannon Caucus Room, I was privileged to present the National Endowment for the Arts' National Heritage Fellowship to my constituent, Gerald ''Subiyay'' Miller, from Shelton, Washington. The Heritage Fellowship is the highest honor our country gives to folk and traditional artists.

I could not be prouder of Subiyay. I am also proud of the National Endowment for the Arts for starting this program 25 years ago. And I am proud to live in perhaps the only country where such awards could be given—honoring traditions from our First Americans to cultures from every region of the world.

Mr. Speaker, in the night before the ceremony, Subiyay, gave a noble and moving closing to the banquet for the 2004 Heritage Fellows and their families. Just as he weaves his ''story baskets'', he wove some of the creation story of his people into his observations about the role of art in civilization. I would like to share his story with my colleagues.

AT THE NATIONAL ENDOWMENT FOR THE ARTS' NATIONAL HERITAGE FELLOWSHIP BANQUET IN THE GREAT HALL OF THE LIBRARY OF CONGRESS—SEPTEMBER 29, 2004

Barry Bergey (NEA Director of Folk and Traditional Arts): I've asked Gerald Miller to go last. I think it's appropriate that we're in this Library, this great repository of learning, surrounded by so much knowledge. So many of the Native Americans Elders have retained that knowledge. You know the African proverb that ''When an elder dies, it's like a library burning down.''

We actually have two elders here. We have a previous National Heritage Fellowship recipient, Vi (Violet) Hilbert, sitting next to Gerald. [Applause] She received the award about 10 years ago for retaining her language and her stories.

Gerald, Subiyay as he is known in his language, Skokomish (Twana), was the last living speaker of that language. Now he has taught many young people. He hasn't taught them just the language. He has taught them the crafts, the music, the ceremonials, the use of regalia, the making of regalia.

I have asked him to come up and say a few words and, if he would, to sing a song—a blessing song—for us to end the evening.

Please make welcome Subiyay. [Applause]

Gerald (Subiyay) Miller [Strong, measured, gravely voice]: In the beginning of time the humans were given the first gift. It was gifted to us before language. It was a gift before all other things. It was the gift of the drum. And its sound was the heartbeat of our mother. As unborn infants, we heard it as we grew in her body; giving us all the rhythm of life, the rhythm of the teachings and the beliefs that we would follow. The drum is an important part of most cultures of the world. We have many phrases that have to do with the rhythm of the drum. We for instance might walk to the beat of a different drum. The drum excites us. The drum soothes us. The drum puts us in step with one another with its beat.

The second gift to the human beings was the gift of song. And the song came before the spoken languages that we have as people on this earth. It was given to us by the bird people. It was given to us to express ourselves in the truest form of expression that we as human beings would ever have, the expression of song. Song allowed us to express every emotion that we as human beings would feel. Song is so important that many of our early cultures used it as a tool in teaching, because is causes something called subliminal implanting. If we sing a teaching, it will stay with for our entire life.

Long ago we sang the teachings of our ancestors. We are all born with a song—Our Spirit Song. From the moment we leave the womb of our Mothers our song is within us. We have songs that we call mood music. How many nations are there without a song or anthem? How many religions use song to express their hopes and convictions? We have songs to honor another year of life. We have songs for weddings. We express ourselves through song. And all of us, although we might acknowledge or not acknowledge ourselves as singers, when something wonderful happens, we feel like singing. It's the spirit of the songs that lives within all of us.

My elders say we are all born with a spirit song. Our children will prove it to us. As they learn to speak, they all sing little singsongs about their world; regardless of what culture we come from. If a song expresses our true emotions, we sing it.

The next gift that came was dance. We were also given dance before language. We were given dance to ''tell the story''—to tell the story of our people. Song and dance are probably the oldest forms of art that we as human beings have to this day. In my language the word dance means more than ''get up and boogie.'' Dance is non-verbal. It is communication by gesticulation.

There's one dance that we can do with one finger and we all know what that gesture/dance means. We don't have to express it with words. We dance with the expressions of our faces. We dance with the gestures of our hands. We dance with the posture of our bodies. We dance with the tilt of our head. Children, even before they learn to speak, understand these dances. They see it in us as parents and as teachers. The power of dance will forever be with us.

Then came the spoken language. With language came the story of our People. With language came the gift of long memory. We were given language to carry the knowledge of our ancestors from the beginning of time to this very moment, in this room, and on into the future. The power of language contains the power of the story. We see in this room all the races of mankind represented. All of us started from a different trail at the beginning of time, we have conjoined here at a common spot, sharing this moment in time together. We sit here, our hearts beat together. We breathe the same air and we are enjoying each other's company. We eat together.

History would not exist if it were not for the artists. There are cultures all over the world that no longer exist. The important thing that they left behind was their art—writings on the rocks, artifacts, beautiful songs from the beginning of time. Some dances are thousands of years old. They are still alive, giving testimony to those who created these forms of art. All of us who are artists have had our mentors. We have our ancestors to thank for the gifts that we as humans were given—given to express our soul, and our hearts to the people. Art is a powerful form of expression. Our art tells our stories. And we, the artists, who are here can appreciate one another from that mutual understanding.

I want to extend my gratitude on receiving this award to all of our ancestors who left with us the gifts that we exhibit today; the gift of the song, the gift of the dance, the gift of the story and the gift of creativity. As long as we keep these traditional arts alive, we speak for our people.

I look at our sister artist Koko (blues musician Koko Taylor from Chicago) and know how her blues music moves me. I look at the family of puppeteers (Yuqin Wang and Zhengli Xu from Aloha, Oregon) who carry on an art form over two thousand years old. I look at our sister here from India (Kathak dance Anjani Abegokar from Diamond Bar, California), carrying on an art form known to be at least four thousand years old. And because of her it lives and flourishes. Because there was someone who cared. There was someone who listened. There was someone who had a teacher.

For all of us who live, for all of us who are being recognized in this room, we honor those who had an influence on our life. Because now through our art form we speak for them.

Einstein said there are two kinds of knowledge, stored knowledge and living knowledge. Stored knowledge can be put in a book and set aside, and looked at later. But living knowledge has to be expressed, felt, spoken and demonstrated. There is no replacement for living knowledge. My grandfather told me that I could be anything that I wanted; and I believed him. He said our people became lazy when they learned how to write because they no longer relied on their memory and their personal discipline. They think that they can look it up in a book or listen to a tape recording. But the written word is

only a shadow of the spoken word. The written word can't facilitate the same feeling as the spoken word can.

To my first teacher I owe my beginning. My first teacher was my great grandmother who was born in 1861 and began my instruction in 1948. My most recent mentor is still living and that is taqsH3blu (pron. tak say blue, Violet Hilbert) who I carry high in my heart. I know that the generations yet to come will be able to hear the knowledge that she has passed on to me.

We have a term in our language called gW3dZadad (pron. ha ku sadad). To us it is a form of wealth. It has nothing to do with monetary currency or material things. It's the wealth of the knowledge of our culture. It's something that cannot be bought. Something that many governments have tried to destroy within the various nations of the world. They burned libraries. Tortured and killed artists. But still we survive and speak for those original ancestors of our cultures. I want to thank the people who nominated me for this award. I never expected any acknowledgment for what I do in life. I merely look upon the things that I do as a personal responsibility to keep what I have alive for future generations.

Thank You.

At this time I would like a couple of my singers to come up. We are going to sing a song from our people called P3t ti scHalal (pron. put tee sha lal)

Way La Hey La
Wo oh ho oh hey

Way La Hey La
Wo oh ho oh hey

Way La Hey La
Wo oh ho oh hey

Way La Hey La
Wo oh ho oh hey

P3t ti scHalal tulasab3d d3xW (pron. put tee sha lal tu la saba du) (From the time of the first people down to this moment)

P3t ti scHalal tulasab3d d3xW (pron. put tee sha lal tu la saba du) (From the time of the first people down to this moment)

P3t ti scHalal tulasab3d d3xW (pron. put tee sha lal tu la saba du) (From the time of the first people down to this moment)

P3t ti scHalal tid shabu (pron. put tee sha lal tich shabu) (From the time of our ancestors comes our story)

We all live our own story. We all come from a different walk of life. But right here, tonight and right here in these next few days we will share the same story. For this moment in time we are brothers and sisters.

Thank you. [Applause]

CONFERENCE REPORT ON H.R. 1350, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of the Conference Report on H.R. 1350, the Improving Education Results for Children with Disabilities Act, IDEA, because it continues to protect the right of students with disabilities to receive a free and appropriate education. The very purpose of IDEA is to protect the civil rights of disabled students and I am pleased to see that my colleagues were able to remove the provisions in the House bill that undermined that purpose.

I have received many letters and phone calls from my constituents letting me know about the difference that IDEA has made for their children. One constituent wrote to me about her son, who has a form of autism, and how IDEA rights are helping him thrive for the first time in his life. Two other constituents of mine shared a story with me regarding their 12-year-old granddaughter, Veronica, and how IDEA allowed her to receive the proper attention she needed at an early stage in her schooling. Veronica has improved greatly since then and her needs are now met with minimal intervention.

This agreement goes a long way towards ensuring that IDEA will continue to benefit children with disabilities. For example, unlike in the House version of this bill, students will not be moved indefinitely to ''alternative placements'' for any violation of a school code of conduct—even if a child's disability is the cause of the specific behavior.

However, I would like to express my disappointment that this agreement still does not force us to live up to our funding promises for IDEA. Ever since IDEA's initial enactment in 1975, the law has included a commitment to pay 40 percent of the average per student cost for every special education student. The federal government currently pays for about 19 percent of the cost of educating a child with disabilities and at the current rate of increase we will never reach that promised level of funding.

The lack of funding for IDEA hurts students and it hurts schools. I urge my colleagues to join with me in voting for this conference report today, and then I urge them to join with me in fighting to make sure that we live up to our funding promises.

TRIBUTE TO HACKETTSTOWN COMMUNITY HOSPITAL IN HACKETTSTOWN, NJ

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. GARRETT of New Jersey. Mr. Speaker, I am grateful for the opportunity to pay tribute to Hackettstown Community Hospital as a model of an exceptional healthcare resource serving the rapidly growing, multigenerational population of Warren County and the city of Hackettstown, NJ for over 30 years.

Hackettstown Community Hospital is taking steps to make the transition into a Regional Hospital Center in response to evolving health care needs of northwest New Jersey residents. Investments have been made to provide additional state-of-the-art technology and services essential in diagnosing and treating the two leading causes of death: cancer and heart disease.

Recent statistics show, the residents of Warren and Sussex counties have a higher cancer incidence rate than the rate for the entire state of New Jersey. Hackettstown Community Hospital's new Cancer Center will meet this critical demand for specialized cancer services, offering the area's first radiation oncology program and a new chemotherapy/infusion therapy center.

And with a substantial increase in the number of patients seeking cardiac care, Hackettstown Community Hospital plans a new Low-Risk Cardiac Catheterization (Angiography) Laboratory offering its patients extensive diagnostic, treatment and rehabilitation services for patients with cardiac distress to long-term cardiovascular and cardiopulmonary illnesses.

I ask my colleagues in the House of Representatives to join me in paying tribute to Hackettstown Community Hospital for the excellent care it provides for the citizens of northwest New Jersey and for its continued success in its efforts to become a leading Regional Hospital Center.

IN MEMORY OF CORPORAL NICHOLAS DIERUF

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. CHANDLER. Mr Speaker, I rise today to honor the life of Corporal Nicholas J. Dieruf. On April 8, 2004, Corporal Dieruf made the ultimate sacrifice for his country while serving in Iraq. The work of our young men and women in the armed services is vital for the safety and security of our nation. The death of Corporal Dieruf is a true loss to the United States. I salute his dedication while serving in the 1st Light Armored Reconnaissance Battalion, a unit in the 1st Marine Division. My thoughts and prayers are with his wife, Emily Duncan Dieruf, his parents, and all those who loved him.

RECOGNIZING NATIONAL ADOPTION DAY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. COOPER. Mr. Speaker, on this Saturday, National Adoption Day, courts across the country will be finalizing the adoptions of approximately 3,000 former foster care children, including several dozen children in my home state of Tennessee. I rise today in celebration of National Adoption Day and in honor of these newly-adopted children and their families.

This year marks the fifth National Adoption Day, which was founded in part by the Congressional Coalition on Adoption Institute. I am proud to be a member of the Congressional Coalition on Adoption, and I have made it one of my priorities in Congress to ensure that all children in foster care are placed in loving, permanent homes.

Many children in foster care face long odds for adoption. In 2001, only about 50,000 children were adopted out of foster care, while as many as 129,000 children were left waiting. While the number of children being adopted out of foster care has been increasing, it is obvious that we have a long way to go.

I believe that our churches and communities must come together with government to help end this crisis, and that is why I've introduced H.R. 4431, the One Church, One Child Act of 2004.

This bill is based on a highly successful adoption ministry begun by a Catholic priest in

Chicago, Fr. George Clements, more than two decades ago. The concept of One Church, One Child is simple: it is a challenge to every faith community and congregation to adopt or foster one child. If every church, synagogue and mosque in America took up this challenge, the nation's foster care problem would be virtually erased overnight. My bill would provide grant funding for community and faith based organizations to recruit and train new foster and adoptive parents and to involve faith communities in building better lives for abused and neglected children in need of loving homes.

On this National Adoption Day, I am proud to honor the thousands of families across the nation who have opened their homes and their hearts to a foster child. And I look forward to the day when every child in foster care can count on finding a loving and permanent home.

COMMEMORATING THE MAGNIFICENT SEVEN

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the distinguished Members of Congress from Texas who will not be among our number in the 109th Congress . . . and to thank these notable public servants for their service to the nation, to the House of Representatives, and to the great State of Texas.

In the next Congress we will be without the considerable talents of the following members: MARTIN FROST from Dallas, CHARLIE STENHOLM from Abilene, CIRO RODRIGUEZ from San Antonio, MAX SANDLIN from Marshall, JIM TURNER from Crockett, NICK LAMPSON from Beaumont, and CHRIS BELL from Houston.

All together, when the House reconvenes in January, the State of Texas—and the House of Representatives—will have lost 86 years of experience and seniority in tending to the peoples' business here in Congress.

MARTY FROST has been the dean of the Texas Delegation Democrats for a long time and is an extraordinary leader for us in Texas and as Caucus Chairman for the Democratic Caucus. His work on the Rules Committee led the House Democrats in fighting for the rights of the minority party in the legislative process.

CHARLIE STENHOLM is the dean of the House conservatives, a leading moderate whose fiscal discipline was stamped on budgets throughout the 1990s—the last time we ended our spending seasons with a surplus. This House—which desperately needs moderate voices now more than ever—will miss CHARLIE's influence. His work for the rural communities and farmers of the nation, from his seat as the top Democrat on the Agriculture Committee, will be sorely missed by all our rural states.

CIRO RODRIGUEZ, the Chairman of the Congressional Hispanic Caucus, has been a forceful champion of the rights of Americans of Hispanic descent during his tenure in the House of Representatives. He has represented the interests of border communities in Texas, and his home city of San Antonio, with excellence and distinction.

MAX SANDLIN, an illustrious former East Texas judge, brought tremendous understanding and judgment to the debates in this House that come from his front line experiences with how the laws we make in Congress are practically applied beyond the beltway. He knew intimately how what we did here would affect people's lives.

JIM TURNER, a former state legislator and another much-needed moderate voice in Congress, understood how our work in Congress affects states, state budgets and practical policies. JIM's tenure as top Democrat on the Homeland Security Committee leaves a big hole in the influence of Texans in the sphere of the defining interest of our time.

In NICK LAMPSON's work on the Science Committee, he was a valuable advocate of Texas interests in the space program, which is the leading frontier of science for the nation and a reliable source of jobs and industry in our state. His work in the House will be sorely missed by both the nation and the state.

CHRIS BELL's experience as a city councilman provided an excellent view of how our work in Congress affected local governments, and his service on the Financial Services Committee in the House was valuable to the nation and Texas.

Mr. Speaker, I ask our colleagues to join me in offering our respect and our gratitude for the outstanding service to the nation by these 7 Members of Congress who left an indelible mark on this nation, within this chamber and for the State of Texas.

THE FIRST ''FORUM FOR THE FUTURE'' WILL BE HELD IN MOROCCO

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. TANNER. Mr. Speaker, ministerial-level representatives from at least 30 countries, including the United States, will gather three weeks from now in Rabat, Morocco for the first-ever ''Forum for the Future'' international conference on reform and development in the Middle East and North Africa. Parallel discussions will also be held between representatives of civil society and the business sectors from within these countries.

The ''Forum for the Future'' was established by the G–8 summit meeting in Sea Island, Georgia this past June as a permanent mechanism whereby the G–8 countries will engage in dialogue on political, economic, and social reform with the countries of North Africa and the broader Middle East.

In the words of the communiqúe issued by the G–8 leaders on June 9, 2004, the ''Forum for the Future . . . will root our efforts in an open and enduring dialogue . . . the Forum will serve as a vehicle for listening to the needs of the region, and ensuring that the efforts we make collectively respond to those concerns.''

Indeed, Mr. Speaker, those ''concerns'' form an enormous agenda for this initial meeting in Morocco, as well as for all subsequent sessions.

In the political sphere, the Forum aims to promote progress in the Middle East and North Africa toward the establishment of democracy and the rule of law, the protection of human rights and basic personal liberties, respect for pluralism and diversity, and the free exchange of ideas.

On the economic front, the Forum seeks to address the desperate problem of unemployment, as well as to expand the private sector within the Middle East and North Africa by means of encouraging entrepreneurship, expanded trade and investment, protection of property rights, and the combating of corruption.

Finally, on social policy, the Forum has targeted the problems of illiteracy and ignorance, by focusing on means by which educational standards can be raised and the accessibility to a good education can be broadened for men and women alike—that last point being especially crucial, as there are so many unresolved difficulties pertaining to the status of women which the Forum also wants to address.

Mr. Speaker, it is particularly appropriate that Morocco should host this inaugural meeting of the ''Forum for the Future,'' because that country has been making great strides forward in all of these areas, and there is much that can be learned by studying the process of reform that is taking place there.

When the G–8 leaders launched the ''Forum for the Future'' last June, their communiqúe spoke of a ''partnership for progress and a common future'' with the countries and peoples of North Africa and the broader Middle East.

Every Member who shares that goal—who believes that our own future and security as a nation may ultimately be dependent on the achievement of freedom, stability, and prosperity in a very troubled region—will want to thank Morocco for hosting this important international event, the ''Forum for the Future,'' on December 11, 2004. And we look forward to a successful first step in what the G–8 leaders themselves have described as ''a long-term effort . . . a generational commitment.''

DONALD G. BROTZMAN POST OFFICE BUILDING

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of H.R. 5370 which will name the post office at 4985 Moorhead Ave in Boulder, Colorado the Donald G. Brotzman Post Office Building.

Mr. Brotzman served in this body during the Vietnam War and the Nixon era. Even though our country was highly divided, he rose above partisan politics and reached across the aisle to work in a bipartisan manner. In my opinion, he was the kind of public official we and future Members of Congress can look to as an example.

Born in Sterling, Colorado, Mr. Brotzman was an All Conference lineman at the University of Colorado in the 1930's. While attending CU-Boulder he joined the military and served as a first lieutenant with the 81st Infantry Division in the South Pacific.

When he returned to the United States he finished his degree in both business and law and opened a law firm in Boulder, Colorado. Between 1945 and 1954 he served in both the

Colorado State House of Representatives and Senate. In 1959 he was appointed by President Eisenhower as U.S. Attorney for Colorado.

In 1963, as the nominee for the Republican Party, he was elected to serve the 2nd Congressional District of Colorado in the U.S. House of Representatives. During his 5 terms in office he served on the House Interstate and Foreign Commerce Committee. He was instrumental in the passing of the Indian Peaks Wilderness Act, a national program to help runaway youth and establishing a tax credit for higher education expenses. He also helped shape the Clean Air Act and the Public Broadcasting Act. Mr. Brotzman was an early champion of stronger environmental oversight at the Rocky Mountain Arsenal, and due to his efforts, the Johnson administration commissioned a scientific study which led to the eventual cleanup and closure of this site.

He was also one of the first members to call for an all-volunteer army and the end of the draft during the Vietnam War. After serving in Congress, Mr. Brotzman was able to assist in the establishment of the all-volunteer army when he was named Assistant Secretary to the Army for Manpower and Reserve Affairs by President Ford. He served in this position for two years and explained his job as making ''the all-volunteer army work.''

In the Colorado State Legislature, Congress and two Republican Administrations, Mr. Brotzman served our country and Colorado well. His dedication to acting on his conscience and working on both sides of the aisle to better serve Colorado made him a leader in Congress.

Donald Brotzman died in September at the age of 82. During his lifetime he admirably served both his country and the state of Colorado. I would like to thank my colleagues from Colorado for their support of this bill and Chairman DAVIS and Ranking Member WAXMAN of the Government Reform Committee as well as the leadership of the House for making it possible for the bill to be considered today. I urge the passage of this bill.

THE 2-YEAR ANNIVERSARY OF THE NORTHERN MICHIGAN HOSPITAL NURSES STRIKE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. STUPAK. Mr. Speaker, this week marks the 2-year anniversary of the strike of the nurses at Northern Michigan Hospital in Petoskey, MI, which began on November 14, 2002. This strike is now the longest nurses' strike in our nation's history.

Sadly, today many of these nurses have to travel to different communities to work. This strike has impacted local health care, and left a community divided. It needs to be resolved soon. This strike is even costing the hospital. NMH had an operating loss of over $11 million dollars, largely because of $14 million spent on replacement nurses.

Over the past 2 years, the hospital administration has shown clearly that its objection to bargaining demands by the striking nurses is not a matter of cost, but of opposition to union representation. The bottom line is these nurses have voted twice for union representation, and they have a legal right to a contract. I will always support the right of employees to organize and to collectively bargain with their employers.

Since the beginning of this strike, I have visited the nurses on the picket lines, met with the hospital administration, and held a town hall meeting in Petoskey.

I have worked well with NMH over my 12 years in office and I have visited their facilities numerous times. It is time to bring back the experienced nurses who provided quality care at NMH for so long, and I urge the NMH administration to join the nurses and agree to binding arbitration or any other independent means so the community can move forward and heal.

Every employee has the right to collectively come together, to unionize if they choose, and to address employment concerns with their employer. When labor disputes polarize the parties and negotiations break down, it is the responsibility of community residents and leaders to let each side know how they feel and to encourage both sides to stay engaged in meaningful discussions to resolve their differences. Any strike, any disruption of employment of any industry, divides and hurts the very fabric that composes any community. The NMH strike has torn at the very heart of the Petoskey area. It is time to end the division and reconcile the community, beginning with NMH.

SONNY'S GRILL ANNIVERSARY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. MICA. Mr. Speaker, Mr. BURR, Mr. BALLENGER and Mr. COBLE join me in recognizing December 13, 2004 as the 50th Anniversary of Sonny's Grill in Blowing Rock, North Carolina.

Half a century ago, on December 13, 1954, the late Sonny Klutz opened the door for a small-town eatery on Blowing Rock's Main Street, For five decades that three table, eight stool restaurant has been the eating and meeting place for locals, tourists and after school children. Only the sweet potato pancakes, ham or sausage biscuits, livermush, hamburger and other variety of country cooking surpass the wonderful mixture of Sonny's Grill's customers and conversations.

With a storefront suspended in time, whatever Sonny's lacks in decor is made up in the warmth of easygoing folks who work and dine there. On the edge of the magnificent Blue Ridge Mountains, in the center of a beautiful small town, Blowing Rock, Sonny's Grill, and the good fellowship it has provided for half a century, is at the heart of what makes America great.

Congratulations to Sonny Klutz's widow, Mrs. Lavaughn Klutz, manager Robert Cheves and all the wonderful staff and patrons of Sonny's Grill on this special occasion.

TRIBUTE TO EDWARD M. AUGUSTUS, JR.

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. McGOVERN. Mr. Speaker, today we will close another chapter in the history of this great institution when we adjourn the 108th Session of Congress. The end of every session is always an occasion to pause and reflect, however that is especially true for me today because it also marks the last session that I will have the special privilege of Ed Augustus as my Chief of Staff.

To a great extent, all of us in elected office ultimately succeed or fail based upon the people we choose to surround ourselves with. As a former congressional staffer, I know well where the heavy lifting is done in meeting the daily demands of serving the public and discharging the duties of this office. With that in mind, I consider myself truly blessed to have had Ed Augustus as my Chief of Staff for these past six years. During that time, I have routinely relied on his wise counsel, depended on his keen instincts and trusted his good judgment in directing all aspects of my congressional office.

I have called on Ed to perform some extraordinary tasks during his tenure. In each and every instance, he has performed magnificently. Most notably, he coordinated President Clinton's historic visit to the City of Worcester, Massachusetts in 1998 and then the federal relief efforts for the same city following the tragic death of six firefighters a year later. Ed was also instrumental in resolving two very difficult labor disputes that threatened nursing care and public transportation for thousands of Central Massachusetts residents, and played a pivotal role in promoting numerous economic development initiatives that are right now improving the quality of life for families all across my congressional district.

Mr. Speaker, in addition to being an exceptional Chief of Staff, Ed Augustus is one of the most thoroughly decent people I know. He possesses a boundless reservoir of compassion and a genuine desire to help those in need. He is a devoted son, loving brother, proud uncle and the most loyal friend a person could ask for. And so, while I am sad to see him leave his position on my staff, I am gratified to know that he will be serving an equally important purpose in the future.

On January 5, 2005, Edward Michael Augustus, Jr. will be sworn in as a member of the Massachusetts State Senate, and instantly that distinguished body will be made better by his presence. The people of the Second Worcester District could not have found a more able and dedicated public servant to represent their interests on Beacon Hill if they had searched the world over. In fact, all citizens of the Commonwealth of Massachusetts stand to gain immensely from the tremendous contributions Ed will undoubtedly make to public discourse and debate in our great state. School children in particular will soon discover an eloquent and powerful champion for the cause of improving public education all across the Commonwealth.

Mr. Speaker, Ed Augustus will be a great leader in the Massachusetts Legislature because he has entered politics for the right reason—to help people. I believe public service is

an honorable calling and a noble profession. I am certain Ed will live up to that high standard and I expect great things from him in the future.

For now, however, I would like to simply thank him for sharing his many talents with me these past six years, and for the sterling level of service he has provided to the people of the Third Congressional District. Indeed, all of us in this House owe Ed a debt of gratitude.

Mr. Speaker, I am eternally grateful to Ed for his efforts and I will always cherish his friendship. So in that spirit, I would like to close by offering my friend and colleague some words of advice as he prepares to return to elected office. They are words with which I know he is familiar as a scholar of American Presidents, and I hope he will carry them with him as he embarks on the next phase of his career in public service:

It is not the critic who counts; not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again; who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement; and who at the worst, if he fails, at least fails while daring greatly; so that his place shall never be with those cold and timid souls who know neither victory nor defeat.—President Theodore Roosevelt.

From the bottom of my heart, thank you Ed Augustus.

CONFERENCE REPORT ON H.R. 1350, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004

SPEECH OF

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. MURPHY. Mr. Speaker, for many years, discussion of the Individuals with Disabilities Act (IDEA) has focused on what has and what has not worked well.

Let me draw upon my first hand experience as a psychologist who has participated in many of these discussions regarding learning disabled children, who were patients of mine. Many of these Individualized Education Plan (IEP) meetings were bogged down by procedures, paperwork and policy rather than working to help a child's reading, writing and arithmetic.

As a result of my experiences with IDEA, I am convinced that the law needed to be updated in order to properly refocus our efforts on to the task of educating our nation's children. And, I believe that the ''Improving Education Results for Children With Disabilities Act of 2003,'' (H.R. 1350) provides many of the needed changes.

As the Chairman of the Congressional Mental Health Caucus, I am particularly pleased with the bill's provisions to improve the definition of 'specific learning disabilities.' This conference report allows alternate assessment methods, such as the Response to Intervention Model (RTI), for measuring yearly progress to protect against the overidentification and misidentification of disabled children. RTI will ensure that children receive scientifically based instruction as soon as possible instead of relying on the outdated IQ-achievement discrepancy model as the sole measure of a student's IDEA eligibility.

And while many children need and benefit from pharmaceutical assistance to overcome their disabilities, far too often, people turn to medication in lieu of creating a solid working team of parents and educators to ensure the education of our children.

The reauthorization of IDEA establishes policies that prohibit school personnel from requiring a child to be prescribed medication in order to attend school or to receive IDEA services. Medications for disabled students should only be prescribed by physicians with expertise in treating disabled children and only when necessary.

In the area of discipline, past practices prevented school personnel from holding children with learning disabilities responsible for their behavior and students with learning disabilities were held to different standards than mainstream students. For the same severe offense, a mainstream student would be expelled while a learning disabled student would be returned to the classroom.

To help children learn accountability, teachers must be able to hold them responsible for their actions. To teach children that good and bad behavior has consequences, the school must be able to enforce these consequences.

We must also recognize that special education services are expensive and that with these federal mandates must come increased funding. I applaud the work of my Republican colleagues for increasing funding for special education grants to the States by over 383 percent for a total of $11.1 billion in the past 10 years. However, we must increase that funding to levels that better meet the needs of our children.

While we all are concerned with the funding of our nation's special education programs, I join the National Education Association, the IDEA, Infant and Toddler Coordinators Association and the National Schools Boards Association in supporting the ''Improving Education Results for Children With Disabilities Act of 2003,'' (H.R. 1350). I am also aware of many of the concerns raised by parents, teachers and students regarding the implementation of IDEA, and I will work with my colleagues to revisit these issues to ensure that teachers and parents have the tools necessary to provide America's children with the education they deserve.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent Tuesday, November 16, 2004, from this chamber. I would like the RECORD to show that, had I been present, I would have voted ''yea'' on rollcall vote 531.

''ERASING THE RULES'': NEWSDAY'S INVESTIGATIVE SERIES ON OSHA, FROM 2001–2004

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. OWENS. Mr. Speaker, Newsday recently published an important investigative series highlighting the Occupational Safety and Health Administration's (OSHA) abysmal track record during the first term of the Bush Administration. In this series of articles entitled ''Erasing the Rules,'' Newsday reporters outline OSHA's failure over the past 4 years to issue a single ''significant'' regulation or standard protecting worker health or safety. This failure is unprecedented in the history of the Occupational Safety and Health (OSH) Act. Since the OSH Act was first enacted in 1970, every other Administration has issued regulations to protect worker safety in a manner deemed economically significant—either saving or costing society $100 million dollars, or more. Furthermore, as his first Congressional act President George W. Bush repealed the mandatory standard on ergonomics. He thereby abolished any effort to address the hundreds of thousands of repetitive motion injuries suffered by American workers every year.

Mr. Speaker, this series exposes the steps taken by OSHA over the past 4 years to turn back the clock on worker safety and health and I urge my colleagues to read it. I am therefore submitting a portion of the Newsday ''Erasing the Rules'' series on OSHA for the RECORD and ask that it be printed. The remainder of the series will be examined on www.Newsday.com.

[From Newsday, Oct. 21, 2004]

ERASING THE RULES

(By Tom Brune)

MANY AGENCIES HEADED BY INDUSTRY VETERANS WHO ARE WATERING DOWN REGULATION

Five minutes after an operator drained a chemical runoff pit at a paper mill in Pennington, Ala., an invisible deadly cloud of hydrogen sulfide seeped out of the sewer, killing two nearby workers and injuring eight others.

The cloud resulted from an unplanned chemical reaction, created when the drained pool of spilled NaSH, a chemical used to pulp wood, unexpectedly mixed with sulfuric acid that had been added to the sewer to control acidity.

And it added another tragedy to the scores of reactive chemical accidents at workplaces—resulting in toxic releases, fires or explosions—that have killed more than 100 workers and caused hundreds of millions of dollars in damages since 1980, according to the U.S. Chemical Safety and Hazard Investigation Board.

The problem is so grave that in 2002, the year of the paper mill deaths, the Chemical Safety Board recommended that federal regulators revise a key safety regulation on chemical process management to require companies to take steps to.prevent a broader range of unintended chemical reactions.

But the Bush administration's director of the Occupational Safety and Health Administration, a veteran chemical company safety executive named John Henshaw, has so far declined to do so.

Instead, OSHA has formed a cooperative partnership that it calls an ''alliance'' with the chemical industry to highlight the issue

and now urges companies to voluntarily follow a manual on dealing with reactive chemicals that OSHA has posted on its Web site.

''We think that's a better approach than going through a lengthy rule-making process,'' said Henshaw, who said he thinks it's unclear how a rule can be crafted. ''Over the long haul, we can do it more effectively this way.''

Henshaw's decision reflects the approach of the Bush administration, an approach it calls ''smarter regulation,'' which emphasizes fewer new rules, examination of existing ones and the coaxing of companies to voluntarily comply with safety standards.

APPOINTMENTS FROM INDUSTRY

And Henshaw represents an important facet of the Bush administration: he is one of the scores of corporate or industry officials, or their lobbyists and advocates, appointed to political jobs, high and low, across the executive branch.

Nearly half—47 percent—of the Bush administration's 400 top-level Senate-confirmed appointees to cabinet departments came from corporations, law and lobbying firms, or business consulting, a Newsday analysis found.

That gives business and industry a much greater influence than it had in the Clinton administration—just more than a third, or 34 percent, of President Bill Clinton's appointees came from corporate, law and lobbying, or business backgrounds.

But the extent of those appointments by Bush represents more than just the expected tilt toward business by a Republican administration.

The Bush administration has given key regulatory jobs to executives like Henshaw, representatives of the same companies that face regulation, Newsday found. At the Agriculture Department, which manages the national forest system, a former lobbyist for the timber industry is now an undersecretary and at the Food and Drug Administration a former tobacco and drug company lawyer is the general counsel.

Those appointments raise the question of whether public authority ought to be dominated by private interests, said Harvard University ethics professor Kenneth Winston.

Yet experts agree that the appointments violate no laws and breach no ethics guidelines, which are narrowly drawn to address specific personal gain at the expense of the public.

Instead, the experts say, the appointments cast in sharp relief the priorities of a presidential administration, because personnel is policy. In rolling back a wide variety of new or proposed rules, Bush appointees are achieving what they view as an important goal of eliminating burdensome regulation and freeing companies to grow.

At the same time, however, some of the changes undo, weaken or forestall requirements to protect the environment or improve safety and health in the market and workplace, sparking sharp criticism from consumer and liberal advocacy groups.

''What has been different about the Bush administration is that the people who are on the receiving end of regulation now have control of regulations,'' said Gary Bass, executive director of OMB Watch, which monitors regulation and the Office of Management and Budget.

''It's the proverbial slogan we have used,'' he said, ''You don't want to have a fox guarding the henhouse.''

REDUCED REGULATION GOAL

More of Bush's business appointees tend to be from heavily regulated industries, such as manufacturing or energy, than Clinton's who tended to be from financial and high-tech firms, the appointee analysis found. That, experts say, makes Bush appointees more likely to seek reduced regulation.

Critics charge the Bush administration is gutting or stalling needed government regulation, such as the revised standard on reactive chemicals, as a way of helping businesses that back Republicans more than Democrats.

Others, particularly those in organized labor, complain that the Bush administration has virtually shut them out, giving a one-sided tilt to companies, corporations and businesses at the expense of working people.

The Bush administration defends its appointees, calling them highly qualified individuals who make decisions based on the American people's best interests while abiding by strict legal and ethical guidelines.

Chad Kolton, an OMB spokesman, said appointees with business backgrounds bring expertise to the job, but he acknowledged they also bring management views. ''That doesn't mean they are entirely against regulation,'' he said.

The Bush administration seeks to ensure that the benefits of regulation outweigh the costs, he said.

''Our primary interest is making sure health and safety are protected,'' Kolton said. ''We are focused on results and look to achieve the results in the way that provides the most flexibility and economic growth.''

Blaming what it calls ''an explosion of new federal rules and paperwork'' over the past 20 years that has inhibited job growth, the administration says it has cut new rules by 75 percent and is targeting 100 existing rules for streamlining.

AN EARLY SIGNAL

The first congressional act signed by Bush as president was a repeal of a mandatory standard on ergonomics, which had sought to address hundreds of thousands of repetitive motion injuries a year.

Organized labor and others hailed the regulation as an important safeguard for the more than half a million workers injured each year, creating $9 billion in benefits at a cost of $4.5 billion. Industry groups complained the regulation would cost business more than $100 billion for questionable results.

A tougher OMB under Bush in its first year kicked back 22 new major rules to the agencies for reconsideration, effectively killing half of them, and agencies withdrew dozens of proposals in early stages of the rule-making process.

The administration approved 58 anti-terrorism or security rules after the Sept. 11 attacks, but OMB reports a drop in other new economically significant ''social regulations''—rules issued to provide benefits like cleaner air but with a significant cost.

The Bush administration issued 18 new major social regulations in fiscal years 2002 and 2003 combined, according to OMB reports. The Clinton administration approved more than 20 social regulations a year from 1996 to 2000.

Some new Bush rules have been controversial. This year, the Republican-controlled House and Senate voted to repeal a new Bush rule on overtime that the administration said would extend overtime benefits to an additional 1 million workers but that critics said would cut it for 6 million employees.

Other new Bush regulations have been aimed at changing protections of the environment—allowing mountain-top mining, snowmobiles in national parks and greater emissions from power plants.

And under Bush, OSHA has so far published no new regulations that the government classifies as ''economically significant,'' that is costing or saving society $100 million or more. That's a first for a presidential term in the OSHA's 24-year history. OSHA issued nine of those rules under Clinton and 10 under Bush's father, an OMB Watch study found.

SIMILAR TO REAGAN

An expert on political appointments and the federal government said the Bush administration is more like the administration of Ronald Reagan, who as a candidate vowed to eliminate OSHA, than the administration of George H.W. Bush.

''Bush II has drawn more on Reagan than on Bush I,'' said Paul Light, a New York University public service professor and senior fellow at the Brookings Institution. ''His father really represented a more moderate wing of the party. On the regulatory front, Bush II represents the Reagan revolution.''

Reagan and his top officials were confrontational in their approach to regulation, appointing people openly hostile to the mission of the regulatory agencies as regulators—they threatened to abolish OSHA, slashed budgets and cut enforcement.

Bush and his top officials, however, are much less confrontational, Light said. But they may be even more effective. They have succeeded in penetrating rule-making and enforcement, from the top-line review at OMB to the field level, where even career workers get calls from the White House, Light said.

''This is a very well-oiled administrative machine, and it's very controlling,'' Light said, explaining that White House political director Karl Rove and others have unusual influence over the rest of government. ''Chiefs of staff of each of the secretaries have a weekly telephone conference with Karl Rove over what's happening in their departments.''

NO HOPE OF CHANGE

Jim Gannon has very little hope that OSHA will do anything about reactive chemicals.

In 1995, Gannon was burned on his arms, legs and face when the Napp Technologies Inc., plant exploded after the improper mixing of chemicals, killing five, injuring dozens and leaving a crater in downtown Lodi, N.J. Gannon has since moved to Florida, but said he still hasn't recovered. At age 44, he said he can't work because of his injuries and said that he's homeless.

''The whole thing was not supposed to explode,'' he said. ''So what do you do now? I don't expect nothing. Because obviously nobody's going to do nothing.''

After Lodi, six labor unions filed a petition with OSHA requesting an emergency revision of the 1992 Process Safety Management standard for reactive chemical management, seeking application of the regulation requiring a 14-element safety program that covers 131 distinct chemicals with toxic or reactive properties to a broader list of chemicals.

Eric Frumin, health and safety director for the Union of Needletrades, Industrial and Textile Employees, which represented 70 workers at the Napp plant, remains bitter about the company and the fact that workers still face dangers they shouldn't have to.

''These are not accidents anymore,'' he said. ''They are predictable. We have the means technically and organizationally to control the risk of unintended chemical reactions.''

Deadly unintentional chemical reactions can occur when a chemical reacts to heat or impact, a chemical or chemical mixture begins an out-of-control reaction, or two incompatible chemicals mix, resulting in a toxic cloud or explosive reaction.

Companies can control these reactions by identifying their chemicals, evaluating potential hazards, and training managers and

staff on how to handle chemicals to avoid inadvertent reactions. These steps are outlined in the existing safety regulation, but only for the most hazardous chemicals.

Frumin and others say the federal regulation must be expanded to force companies to pay attention to the potential hazards of other chemicals, especially those companies that do the bare minimum on safety to maximize profit.

The Chemical Manufacturers Association, a trade group that has changed its name to the American Chemistry Council, and the American Petroleum Institute opposed added regulation.

The two groups said expansion of the current standard would greatly increase costs without substantial benefits. The council now is ''test driving'' a flow chart that explains steps for managers to follow while evaluating reactive chemicals, said council safety specialist Dorothy Kellogg.

OSHA did not act immediately on the unions' petition. But it finally placed the standard revision on the Clinton administration's last regulatory agenda.

In December 2001, under the new Bush administration, however, OSHA withdrew it, saying it had other priorities.

Bush set those priorities by replacing Labor Secretary Alexis Hermann, a Democratic activist and advocate for women and minorities, with Elaine Chao, a fellow at the conservative Heritage Foundation and wife of Republican Sen. Mitch McConnell of Kentucky.

Chao tapped Steven Law, executive director of the Republican National Senatorial Committee, as chief of staff, and he assembled Labor's management team. Law is now the department's deputy secretary.

Under Chao, the number of discretionary lower-level political appointees like special advisers and confidential aides at Labor doubled to 90, personnel records show.

NO LABOR APPOINTEES

The team recruited heavily from industry and conservative think tanks. None of the Bush political appointees at Labor come from organized labor. Three of Clinton's appointees came directly from unions.

In her first regulatory report, Chao wrote she had set a new course: ''In general, [the Labor Department] will try to help employees and employers meet their needs in a cooperative fashion, with a minimum of rulemaking.''

At OSHA, a target of lobbyists seeking relief for businesses from regulation, the administration named Henshaw, an executive at the chemical company Astaris Inc., as director and steel-industry lobbyist and former Republican House aide Gary Visscher as his deputy.

OSHA has moved forward on just one economically significant rule—lowering permissible exposure to hexavalent chromium, which can cause lung cancer—but only because a federal appeals court ordered it to meet a Jan. 18, 2006 deadline.

OSHA officials said reduced rule-making has not affected attaining results, as the workplace fatality rate hit a low of 4 per 100,000 workers in 2002.

Records, however, show the rate has been dropping steadily since 1994, and data released last month show the fatality rate steady but number of deaths slightly up in 2003.

Henshaw declined to speak on the record. Visscher defended OSHA's work.

''It is true that the regulatory agenda looked like it had fewer items,'' said Visscher. ''That does not mean the agency was working on fewer items.''

He said many of the proposals pared from the agenda were low priority and not likely to go anywhere. The agenda now reflects more realistically rules that will be completed, he said.

Among those proposals was the revision of the regulation compelling companies to follow the reactive chemical Process Safety Management standard. The Chemical Safety Board has set out to raise its priority level.

EVALUATING THE RULES

Created by Congress in 1990 following Union Carbide's accidental toxic chemical release that killed thousands in Bhopal, India, the independent board is charged with evaluating OSHA and EPA rules and investigating chemical accidents.

After two years of research on reactive chemicals not covered by OSHA's standard, the board found no consistent set of data, but discovered 167 accidents that took 108 lives at a cost of hundreds of millions of dollars. It found that OSHA's rule had gaps, and in September 2002 the board voted to recommend that OSHA revise the standard to fill the gaps and to set up a database to track incidents.

OSHA did not respond right away, but accidents continued, including seven that resulted in board investigations.

On Feb. 7, 2003, for example, a violent chemical reaction inside a vent collection system set off an explosion and fire at a plating chemicals manufacturing facility in Cranston, R.I., critically injuring one and sending 18 others to the hospital.

On Sept. 21, 2003, a worker was injured at a high-tech biochemical products plant south of Dayton, Ohio, when a nitric oxide leak led to an explosion of a 300-foot tall distillation column, blowing out windows of the main office.

On April 12, 2004, a 4,000-gallon vat overheated and burst a safety valve at a Dalton, Ga., plant, releasing a toxic cloud that sent 180 people to the hospital and killed all animals in a 4-square-mile area.

More than a year after the board's recommendation, in November 2003, Henshaw wrote the board saying he declined to follow its advice because disagreement among experts about which chemicals to include or how to regulate them required OSHA to seek more information from stakeholders, which include chemical companies. In the meantime, OSHA said it would increase outreach to employers and pursue voluntary measures.

OSHA 'UNACCEPTABLE'

The Chemical Safety Board, led by its Bush-appointed chair Carolyn Merritt, also a chemical company safety executive, in a unanimous vote in February 2004 called OSHA's response ''unacceptable.''

Merritt said she personally was ''disappointed.'' She noted the board is not part of the Bush administration.

While welcoming OSHA's increased attention to the issue, Merritt said a rule is needed to require companies that do the minimum to meet safety rules.

Board staff point out that the state of New Jersey, which has had other disastrous chemical incidents since the Lodi explosion, last year issued its own regulation to broaden the list of chemicals that must be included in safety planning.

In mid-March, the board began tracking reactive chemical accidents at plants and has logged about two dozen incidents, including a reaction involving ammonium nitrate in August at an aircraft plant in Ferris, Tex., that killed a worker.

Not long after the Chemical Safety Board voted to classify OSHA's rejection of its recommendation as ''unacceptable,'' one of its members retired and the Bush administration moved quickly to fill it.

The White House tapped OSHA's deputy director, Visscher. Visscher is the former vice president of the American Iron and Steel Institute, who for years worked as a Republican staffer who sought to make OSHA more business-friendly.

Democrats blocked confirmation of all of Bush's new executive appointments this summer, but Bush gave Visscher one of his few recess appointments, allowing Visscher to serve until December 2005.

Visscher said the White House asked him to take the new position and he agreed.

The AFL–CIO objected, complaining he lacked the legally required credentials of a background in chemistry or regulation of chemical hazards that the other members have. The AFL–CIO said it also was ''deeply concerned that Mr. Visscher's appointment would politicize the Chemical Safety Board's investigations and recommendations.''

Visscher said he has ample experience with workplace safety, and said, ''I'm not here to politicize the board.''

Press aides for Visscher said he had won the support of Ron Hayes, the outspoken founder of a support group for families of workers killed on the job and former member of a federal worker safety board. Hayes confirmed he had written a letter of support for Visscher.

''Gary's a pretty good guy,'' Hayes said. But Hayes added the Bush administration had placed Visscher on the Chemical Safety Board for a reason.

''What they need is eyes and ears there,'' Hayes said. ''What Bush would like to do is rein them in.''

STAFFING FROM THE RIGHT

Drawing from corporations, inside-the-beltway law and lobbying firms, and think tanks, President George W. Bush has assembled the most cohesive and conservative administration in decades, according to presidential experts and a Newsday analysis of political appointments.

While President Ronald Reagan was more traditionally conservative, Bush has succeeded in making more consistently conservative, and business friendly, appointments from top to bottom, according to presidential experts.

''The Bush people have vetted every candidate for every agency, down to the least important appointee to the least important agency,'' said presidential appointment expert Paul Light, a public service professor at New York University and a senior fellow at the Brookings Institution.

''They ask the hard questions,'' Light said. ''If a candidate does not believe in their agenda, he is not going to be appointed.''

Michael Franc, vice president of government affairs at the conservative Heritage Foundation, agreed. ''When you go agency by agency, up and down the food chain, you have an enormous amount of consistency,'' he said.

Bush tapped nearly half, 47 percent, of his top 400 Senate-confirmed political appointees to cabinet agencies from corporations, business consulting firms, or law and lobbying firms, a Newsday analysis found.

That contrasts with President Bill Clinton, who turned to people with business backgrounds to fill just a third, 34 percent, of his 405 Senate-confirmed political appointees to cabinet agencies during his first three years in office.

But there is even a difference among the type of business people each of the presidents brought into their administrations, the analysis found, a difference that experts say had an effect on the Clinton and Bush policies, particularly on regulatory policy.

''The Clinton administration had a preference for Silicon Valley types, and investment bankers,'' said Light. Those firms faced little government oversight and so did not push Clinton to ease regulation.

Bush appointed more executives from the traditional hard industries—manufacturers, defense contractors, oil and gas utilities, Light said.

''They do represent a set of industries that are heavily regulated,'' he said, and they would be more interested in reducing regulation.

IN HONOR OF DR. MURIEL PETIONI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. RANGEL. Mr. Speaker, I rise to honor the accomplishments of an extraordinary member of my community, Dr. Muriel Petioni. Dr. Petioni has contributed to the health and welfare of the citizens of Harlem as a medical practitioner and public servant for more than 64 years.

Born in the Caribbean nation of Trinidad and Tobago. She immigrated to the United States at the age of 5 and was raised in Harlem. After receiving her medical degree from Howard University, Dr. Petioni began her medical career at Harlem Hospital Center in 1937 as an intern. After marrying and starting a family, she returned to Harlem in 1950 where she established a family medicine practice in her father's office.

In addition to her private practice, Dr. Petioni served in many positions that drew on her medical expertise. From 1950–1980 she served as School Physician in Central Harlem for the New York City Department of Health, as well as a physician at the Medical Clinic at Harlem Hospital Center. She also served as Supervising Physician for Central and East Harlem from 1980–1984. In 1982, she was appointed Assistant Clinical Attending Physician at Harlem's Hospital Center's Department of Pediatrics. In addition, she served as the first medical director of the Harlem Drug Fighters, a short-term community-operated detoxification unit based at Harlem Hospital in the late 1960's.

Dr. Petioni has involved herself in many civic organizations. In 1974 she founded the Susan Smith McKinney Steward Medical Society for Black Women. Under her leadership, the SSMS, composed of women in the Greater New York area, concentrated its activities on networking, promoting the medical achievements of women, and outreach to young women interested in medical careers. In 1976, she founded and became the first Chairperson of the Medical Women of the National Medical Association. The organization would eventually evolve to become the Council of Women Concerns of the National Medical Association.

For her works Dr. Petioni has been the recipient of awards and honors too numerous to mention. Among them, The National Sojourner Truth Meritorious Service Award from the Riverside Club of the National Association of Negro Business and Professional Women's Club, Inc., The Distinguished Service Award from the New York College of Podiatric Medicine, and the Health Service Award of the Harlem Service Center of the American Red Cross.

After more than a half century serving the people of Harlem, Dr. Petioni shows no sign of slowing. She remains active in the Harlem community and presently serves on the board of numerous organizations including, The Harlem Health Promotion Center, The Greater Harlem Nursing Home, and The Harlem Congregations for Community Improvement. Dr. Petzioni also serves as Chair of The Friends of Harlem Hospital Center, an organization she founded in 1987. Its mission is to engage in and support activities that promote the work of the hospital.

As can be seen, the contribution that Dr. Petioni has made to her community has been immeasurable. When she arrived in Harlem as a young girl, I wonder if she had any inclination of the impact her life would have on the people of this community. My duty on this day is to let her know and all those who may read this Record, that the works and deeds of Dr. Muriel Petioni are evident in Harlem today, and it shall remain so for generations to come.

IN MEMORY AND TRIBUTE TO WILLIAM M. BURKE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. SERRANO. Mr. Speaker, it is always difficult to say goodbye to dear friends, to those who have given so much and so unselfishly to their communities and to our nation.

Mr. Speaker, I rise today in memory and tribute to Mr. William M. Burke, who passed away this past Sunday, November 14, 2004 after a difficult and courageous battle the last year and a half.

Mr. Burke was Founder and President of the Washington Center for Internships and Academic Seminars, TWC, established in 1975 as a nonprofit, nonpartisan, educational organization that allows college students from all around the country and the world to have access to academic internships in Washington, D.C. I witnessed first hand the valuable services Mr. Burke and TWC provide to our country through the CORDOVA program they administer.

Founded in 1995, the CORDOVA Congressional Internship Program promotes the educational development of Puerto Rico's college students, offering an incomparable 15-week semester experience as interns in Washington, D.C. and working primarily with congressional offices. I can proudly say that every semester. TWC provides my office with quality interns from the CORDOVA program.

Mr. Speaker, Mr. Burke was an indefatigable leader, brimming with vision and ideals—a mentor, a teacher, a friend, and, most importantly, the source of inspiration to countless young leaders. The institution that he built and nurtured has earned a lasting and enduring place in experiential education.

Mr. Burke tirelessly championed the involvement of members of Congress and the executive branch, corporate CEOs, foreign dignitaries, media luminaries, leaders in philanthropy, nonprofit leaders, state legislators, and college and university presidents.

Mr. Speaker, his legacy of service to others and his valuable contributions in all sectors of society, with over 30,000 alumni of The Washington Center internship program who today are leaders in their own right, will be sorely missed but his legacy lives on.

Mr. Burke was a native of Norwood, Massachusetts. He earned a Master's degree in Education from the University of Massachusetts, a Bachelor of Science in Management from American International College in Springfield, Massachusetts, and an Associate's degree in Accounting from Norwalk Community College, Norwalk, Connecticut. He also received an honorary Doctorate of Law from Richard Stockton State College.

Bill always stayed close to the people he loved: his family, friends, and his community. In the past year and a half, he fought his terminal illness with the same courage and dignity that exemplified his life. He is survived by his wife, Sheila, and two children, Barry and Reavey.

To Bill's family, colleagues, friends, and the thousands of former students who were touched by his life and example, I would like to extend my deepest sympathy in this trying time.

Mr. Speaker I ask my colleagues to join me and all who had the privilege of knowing William M. Burke in paying tribute to him for serving his community, his state and his nation with the courage, generosity and dignity of great men of history.

PERSONAL EXPLANATION

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. COLLINS. Mr. Speaker, had I been present for rollcall vote No. 537, I would have voted the following:

Rollcall vote No. 537: ''Yea''. (Reauthorize the Individuals with Disabilities Education Act).

PERSONAL EXPLANATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. MATSUI. Mr. Speaker, I was absent on Friday, November 19, 2004 and missed the rollcall votes ordered, due to illness. Had I been present, I would have voted as noted below:

Rollcall vote No. 537: ''Aye''.

RECOGNIZING THE BOY SCOUTS OF AMERICA FOR PUBLIC SERVICES PERFORMED ACROSS THE UNITED STATES

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. WOOLSEY. Mr. Speaker, today I voted against H. Res. 853, because I am disappointed with the Boy Scouts of America's exclusionary policies that prevent gay boys and teens from participating in scouting. While the Boy Scouts' positive work within our nation's communities is notable, the message that the organization sends to gay children and teens by shutting them out diminishes its greater goals of teaching respect, personal honor, and service.

It is important to encourage and support *all* of our children and by excluding gay youth the Boy Scouts of America is preventing every young man from experiencing the positive benefits Scouting can offer.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. McDERMOTT. Mr. Speaker, I am unable to be in Washington, DC today. Two weeks ago, I injured my leg and my physician prefers that I not put it through the stress of an airplane flight from my home in Seattle, WA to Washington, DC. Were I able to attend today's session in the House of Representatives, I would have voted in support of H. Res. 847, H.R. 5370, S. Con. Res. 8, S. 2618, H.R. 5365, S. 2781, H.R. 4324, S. 150, S. Con. Res. 146, H.R. 5360, H.R. 1350, H. Res. 858, and H. Res. 859.

TRIBUTE TO FRANCESC DE PAULA SOLER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. SERRANO. Mr. Speaker, I rise today to once again acknowledge the gifted composer and musician Francesc de Paula Soler. On November 8, 2004 he performed at the Library of Congress in an event sponsored by the Library's Hispanic Division. This special event was part of the celebration of Hispanic Heritage Month, which allows us to acknowledge our roots and celebrate the accomplishments of Hispanic-Americans in this great nation.

Mr. Soler grew up in Spain and began classical guitar lessons at the age of 6. Under the tutelage of two legendary guitarists, Andrés Segovia and Narciso Yepes, he received rigorous and intensive training with in classical guitar and has truly become a legend in his own right. Mr. Soler has played music halls and auditoriums throughout the United States and Europe, mesmerizing his audiences and earning the nickname ''The Poet of the Guitar.''

Mr. Speaker, Mr. Soler has graced us with his presence before, playing concerts at the Library of Congress that have both entertained us and lifted our spirits. I was very pleased that he returned to play for us this year and I hope he will continue to bless us with his amazing performances in the years to come. I ask that my colleagues once again join me in paying tribute to Mr. Francesc de Paula Soler.

Daily Digest

HIGHLIGHTS

Senate agreed to the Conference Report to accompany H.R. 4818, Consolidated Appropriations Act.

Senate agreed to H. Con. Res. 529, Adjournment Resolution.

The House agreed to the Conference Report to accompany H.R. 4818, Foreign Operations, Export Financing, and Related Programs Appropriations Act for FY05.

The House agreed to H.J. Res. 114, making continuing appropriations for FY05.

Senate

Chamber Action

Routine Proceedings, pages S11665–S11845

Measures Introduced: Eight bills and five resolutions were introduced, as follows: S. 3021–3028, S.J. Res. 42, and S. Res. 479–482. **Pages S11799–S11800**

Measures Reported:

S. 2635, to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of the United States and to address the homeland security needs of Federal, State, and local governments, with an amendment in the nature of a substitute. (S. Rept. No. 108–420) **Page S11799**

Measures Passed:

Intellectual Property Rights: Senate passed S. 3021, to provide for the protection of intellectual property rights, after agreeing to the following amendment proposed thereto:

McCain Amendment No. 4074, to amend the Professional Boxing Safety Act of 1996.

Pages S11683–94

Federal Employee Dental and Vision Benefits Enhancement Act: Senate passed S. 2657, 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, after agreeing to the following amendment proposed thereto:

McCain (for Collins) Amendment No. 4075, to make technical and conforming amendments.

Pages S11694–97

District of Columbia Civil Commitment Modernization Act: Senate passed H.R. 4302, to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect, clearing the measure for the President. **Page S11697**

Conference Report Correction: Senate passed S.J. Res. 42, to make a correction in the conference report to accompany H.R. 4818. **Pages S11731–32**

Continuing Resolution: Senate passed H.J. Res. 114, making further continuing appropriations for the fiscal year 2005, clearing the measure for the President. **Page S11740**

Enrollment Correction: Senate agreed to H. Con. Res. 528, directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818, after agreeing to the following amendment proposed thereto: **Page S11767**

Stevens Amendment No. 4076, to strike section 222 of Title II of Division H. **Page S11767**

Homeland Security Grant Program: Senate passed S. 2635, to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of the United States and to address the homeland security needs of Federal, State, and local

governments, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Frist (for Collins) Amendment No. 4077, relating to the Department of Energy national laboratory.

Pages S11832–34

Senate National Security Working Group: Senate passed S. Res. 480, extending the authority for the Senate National Security Working Group.

Pages S11834–35

Honoring Major Richard D. Winters: Senate passed S. Res. 481, expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement of Major Richard D. Winters (Ret.) during World War II, and commending him for leadership and valor in leading the men of Easy Company. **Page S11835**

Congratulating Boston Red Sox: Senate passed S. Res. 482, congratulating the Boston Red Sox on winning the 2004 World Series. **Pages S11835–36**

Microenterprise Results and Accountability Act: Senate passed S. 3027, to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs. **Pages S11836–39**

Commodity, Assessment, Protection and Reform Act: Senate passed S. 2866, to amend the Farm Security and Rural Investment Act of 2002 to clarify the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans. **Page S11839**

HIPAA Recreational Injury Technical Correction Act: Senate passed S. 423, to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities, after agreeing to the committee amendment in the nature of a substitute. **Pages S11839–40**

Adjournment Resolution: Senate agreed to H. Con. Res. 529, after agreeing to the following amendment proposed thereto: **Page S11840**

Frist Amendment No. 4079, providing that when the House adjourns on Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and when the Senate recesses or adjourns from Saturday, November 20, 2004, through Wednesday, November 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday December 7, 2004, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first. **Page S11840**

Marine Debris Research and Reduction Act: Senate passed S. 2488, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, after agreeing to the following amendment proposed thereto:

Page S11840

Frist (for Inouye) Amendment No. 4078, in the nature of a substitute. **Page S11840**

Controlled Substances Import and Export Act: Senate passed S. 3028, to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied. **Pages S11840–42**

Consolidated Appropriations Act Conference Report: By 65 yeas to 30 nays (Vote No. 215), Senate agreed to the conference report to accompany H.R. 4818, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005.

Pages S11740–67, S11764–65

A unanimous-consent agreement was reached providing that the conference report remain held in the Senate until the House of Representatives adopts H. Con. Res. 528, as amended. **Page S11740**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, Assistant Majority Leader and Senator Warner, be authorized to sign duly enrolled bills or joint resolutions. **Page S11842**

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions,

committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Page S11842

Nominations Confirmed: Senate confirmed the following nominations:

Alan G. Lance, Sr., of Idaho, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission for a term expiring December 16, 2009.

Daniel Pearson, of Minnesota, to be a Member of the United States International Trade Commission for the term expiring June 16, 2011.

Robert N. Davis, of Florida, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

William A. Schambra, of Virginia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring September 14, 2006.

Donna N. Williams, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2006.

R. Bruce Matthews, of New Mexico, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2005.

Deborah Ann Spagnoli, of California, to be a Commissioner of the United States Parole Commission for a term of six years.

William A. Chatfield, of Texas, to be Director of Selective Service.

Gregory E. Jackson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

David Wesley Fleming, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2007.

Jay Phillip Greene, of Florida, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2005.

John Richard Petrocik, of Missouri, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring September 27, 2008.

Patrick Lloyd McCrory, of North Carolina, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009. (Reappointment)

Michael D. Gallagher, of Washington, to be Assistant Secretary of Commerce for Communications and Information.

Gary Lee Visscher, of Maryland, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Adam Marc Lindemann, of New York, to be Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2005.

Gay Hart Gaines, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010.

J. Russell George, of Virginia, to be Inspector General for Tax Administration, Department of the Treasury.

Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years. (New Position)

Elizabeth Ann Bryan, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years. (New Position)

James R. Davis, of Mississippi, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

Robert C. Granger, of New Jersey, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years. (New Position)

Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years. (New Position)

Eric Alan Hanushek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

Caroline M. Hoxby, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years. (New Position)

Gerald Lee, of Pennsylvania, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years. (New Position)

Roberto Ibarra Lopez, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

Richard James Milgram, of New Mexico, to be a Member of the Board of Directors of the National

Board for Education Sciences for a term of three years. (New Position)

Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years. (New Position)

Joseph K. Torgesen, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years. (New Position)

Herbert John Walberg, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years. (New Position)

Ann M. Corkery, of Virginia, to be an Alternate Representative of the United States of America to the Fifty-eighth Session of the General Assembly of the United Nations.

Walid Maalouf, of Virginia, to be an Alternate Representative of the United States of America to the Fifty-eighth Session of the General Assembly of the United Nations.

Jack Edwin McGregor, of Connecticut, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Scott Kevin Walker, of Wisconsin, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Curtis V. Gomez, of Virgin Islands, to be Judge for the District Court of the Virgin Islands for a term of ten years.

Paul Jones, of Colorado, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2008.

Lisa Kruska, of Virginia, to be an Assistant Secretary of Labor.

Claudia Puig, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

Stephen L. Johnson, of Maryland, to be Deputy Administrator of the Environmental Protection Agency.

Charles Johnson, of Utah, to be Chief Financial Officer, Environmental Protection Agency.

Cynthia Boich, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2007.

Dorothy A. Johnson, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2007 (Reappointment), to which position she was appointed during the last recess of the Senate.

Henry Lozano, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2008.

Gerard Schwarz, of Washington, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2006.

David Safavian, of Michigan, to be Administrator for Federal Procurement Policy.

Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2009.

James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for the term expiring December 8, 2010.

Linda Mysliwy Conlin, of New Jersey, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2007.

Pamela M. Iovino, of the District of Columbia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

Sue Ellen Wooldridge, of Virginia, to be Solicitor of the Department of the Interior.

William T. Hiller, of Ohio, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006. (Reappointment)

Juan R. Olivarez, of Michigan, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006. (Reappointment)

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007. (Reappointment)

Isaac Fulwood, Jr., of the District of Columbia, to be a Commissioner of the United States Parole Commission for a term of six years.

Raymond L. Finch, of the Virgin Islands, to be Judge for the District Court of the Virgin Islands for a term of ten years. (Reappointment)

Mark Falcoff, of California, to be a Member of the National Security Education Board for a term of four years.

Dawn A. Tisdale, of Texas, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2006.

Cathy M. MacFarlane, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Dennis C. Shea, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Ricardo H. Hinojosa, of Texas, to be Chair of the United States Sentencing Commission.

Michael O'Neill, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009. (Reappointment)

Theodore William Kassinger, of Maryland, to be Deputy Secretary of Commerce.

Neil McPhie, of Virginia, to be Chairman of the Merit Systems Protection Board.

Edward R. McPherson, of Texas, to be Under Secretary of Education.

Ann R. Klee, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Benjamin Grumbles, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Romolo A. Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development.

Mary J. Schoelen, of the District of Columbia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Jonathan W. Dudas, of Virginia, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Otis Webb Brawley, Jr., of Georgia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2009. (Reappointment)

Vinicio E. Madrigal, of Louisiana, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2009. (Reappointment)

Benjamin H. Wu, of Maryland, to be Assistant Secretary of Commerce for Technology Policy.

Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2009. (Reappointment)

Patrick P. O'Carroll, Jr., of Maryland, to be Inspector General, Social Security Administration.

Barbara J. Sapin, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2007.

Raquel Egusquiza, of Michigan, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2005. (Prior to this action, Committee on Health, Education, Labor and Pensions was discharged from further consideration.)

Julia L. Wu, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring February 4, 2008.

Constance Berry Newman, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2009.

Edward Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring November 13, 2007.

John D. Rood, of Florida, to be Ambassador to the Commonwealth of The Bahamas.

Joseph F. Bader, of the District of Columbia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2007.

Brett T. Palmer, of New York, to be an Assistant Secretary of Commerce.

Timothy S. Bitsberger, of Massachusetts, to be an Assistant Secretary of the Treasury.

James R. Kunder, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Eugene Hickok, of Pennsylvania, to be Deputy Secretary of Education.

Edward R. McPherson, of Texas, to be Under Secretary of Education.

Mark D. Gearan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Services for a term of one year. (New Position)

Leona White Hat, of South Dakota, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2008.

Milton Aponte, of Florida, to be a Member of the National Council On Disability for a term expiring September 17, 2006. (Reappointment)

Robert Davila, of New York, to be a Member of the National Council On Disability for a term expiring September 17, 2006. (Reappointment)

Young Woo Kang, of Indiana, to be a Member of the National Council On Disability for a term expiring September 17, 2006. (Reappointment)

Kathleen Martinez, of California, to be a Member of the National Council On Disability for a term expiring September 17, 2006. (Reappointment)

Linda Wetters, of Ohio, to be a Member of the National Council On Disability for a term expiring September 17, 2006. (Reappointment)

Carin M. Barth, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development.

John H. Hager, of Virginia, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

Herman Belz, of Maryland, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Tamar Jacoby, of New Jersey, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Craig Haffner, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

James Davidson Hunter, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Harvey Klehr, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Thomas K. Lindsay, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Iris Love, of Vermont, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Thomas Mallon, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010. (Reappointment)

Ricardo Quinones, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

Robert Cramer Balfe III, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Charles Graves Untermeyer, of Texas, to be Ambassador to the State of Qatar.

Aldona Wos, of North Carolina, to be Ambassador to the Republic of Estonia.

Carol D'Amico, of Indiana, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

Micaela Alvarez, of Texas, to be United States District Judge for the Southern District of Texas.

Albert A. Frink, Jr., of California, to be an Assistant Secretary of Commerce.

Robert Allen Pittman, of Florida, to be an Assistant Secretary of Veterans Affairs (Human Resources and Administration).

Beverly Allen, of Georgia, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

Gail Daly, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008. (New Position)

Donald Leslie, of Wisconsin, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2006. (New Position)

Amy Owen, of Utah, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008. (New Position)

Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2005. (New Position)

Renee Swartz, of New Jersey, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2007. (New Position)

Kim Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2004. (New Position)

Keith Starrett, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

James Ballinger, of Arizona, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

Terence Alan Teachout, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

Ruben Castillo, of Illinois, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009. (Reappointment)

Lloyd O. Pierson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Lloyd O. Pierson, an Assistant Administrator of the United States Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2009.

Sharon Brown-Hruska, of Virginia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2009. (Reappointment) (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

James S. Simpson, of New York, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Hector E. Morales, of Texas, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

Christopher A. Boyko, of Ohio, to be United States District Judge for the Northern District of Ohio.

Lisa Godbey Wood, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

Richard B. Roper III, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

Yousif B. Ghafari, of Michigan, to be an Alternate Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

Jane Dee Hull, of Arizona, to be a Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

Anna Escobedo Cabral, of Virginia, to be Treasurer of the United States.

Douglas Menarchik, of Texas, to be an Assistant Administrator of the United States Agency for International Development.

Catherine Todd Bailey, of Kentucky, to be Ambassador to the Republic of Latvia.

Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years from September 26, 2003.

Deborah P. Majoras, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2001.

Richard Kenneth Wagner, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

Michael J. Harrison, of Connecticut, to be an Assistant Secretary of Agriculture.(Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Arden Bement, Jr., of Indiana, to be Director of the National Science Foundation for a term of six years.

Susan L. Moore, of Texas, to be an Alternate Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 2005.

William A. Moorman, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Dan Arvizu, of Colorado, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Steven C. Beering, of Indiana, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010. (Reappointment)

Gerald Wayne Clough, of Georgia, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Kelvin Kay Droegemeier, of Oklahoma, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Louis J. Lanzerotti, of New Jersey, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Alan I. Leshner, of Maryland, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Jon C. Strauss, of California, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Kathryn D. Sullivan, of Ohio, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2010.

Frederick William Hatfield, of California, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2008. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Dallas Tonsager, of South Dakota, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring May 21, 2010. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Michael V. Dunn, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring June 19, 2006. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Ernest J. Wilson III, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010. (Reappointment)

Harold Jennings Creel, Jr., of South Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2009. (Reappointment)

Jonathan Steven Adelstein, of South Dakota, to be a Member of the Federal Communications Commission for a term expiring June 30, 2008. (Reappointment)

Sharon Tucker, of Georgia, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

Edward Alton Parrish, of Virginia, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring April 17, 2008. (Prior to this action, Committee on Health, Education, Labor and Pensions was discharged from further consideration.)

Laurie Stenberg Nichols, of South Dakota, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring March 3, 2010.

Mimi Mager, of the District of Columbia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 27, 2007.

Jacob Joseph Lew, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2008.

Patricia Cushwa, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years. (Prior to this action, Committee on the Judiciary was discharged from further consideration.)

2 Air Force nominations in the rank of general.

4 Army nominations in the rank of general.

Routine lists in the Coast Guard, Foreign Service. **Pages S11843–45**

Messages From the House: **Page S11798**

Executive Communications: **Page S11799**

Additional Cosponsors: **Page S11800**

Statements on Introduced Bills/Resolutions: **Pages S11800–02**

Additional Statements: **Pages S11796–98**

Amendments Submitted: **Page S11802**

Record Votes: One record vote was taken today. (Total—215) **Pages 11764–65**

Adjournment: Senate convened at 11 a.m. and adjourned at 12:31 a.m., on Sunday, November 21, 2004, until 5 p.m., on Wednesday, November 24, 2004, or until 9:30 a.m., on Tuesday, December 7, 2004, in accordance with the provisions of H. Con. Res. 529. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S11842.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Measures Introduced: 3 public bills, H.R. 5419–5421; and 4 resolutions, H. Con. Res. 528–530, and H. Res. 867 were introduced. **Page H10232**

Additional Cosponsors: **Pages H10232–33**

Reports Filed: Reports were filed today as follows:

H.R. 885, 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, amended (H. Rept. 108–793); and

H. Res. 866, waiving points of order against the conference report to accompany H.R. 4818, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and providing for consideration of H.J. Res. 114, making further continuing appropriations for the fiscal year 2005 (H. Rept. 108–794). **Page H10232**

Speaker: Read a letter from the Speaker wherein he appointed Representative Ose to act as Speaker Pro Tempore for today. **Page H10081**

Foreign Operations, Export Financing, and Related Programs Appropriations Act for FY05—Conference Report: The House agreed to the conference report to accompany H.R. 4818, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, by a yea and nay vote of 344 yeas to 51 nays and one voting ''present'', Roll No. 542. **Pages H10208–09**

H. Res. 846, the rule waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, was agreed to by a yea and nay vote of 234 yeas to 159 nays, Roll No. 538. **Page H10286**

H. Res. 866, the rule providing for consideration of the conference report, was agreed to by a yea and nay vote of 233 yeas to 158 nays, Roll No. 540. **Page H10097**

Agreed to the Putnam amendment to H. Res. 866 by voice vote. **Page H10096**

Continuing Appropriations for FY05: The House agreed to H.J. Res. 114, making further continuing appropriations for the fiscal year 2005, by voice vote. **Pages H10087–96**

H. Res. 866, the rule providing for consideration of the resolution, was agreed to by a yea and nay vote of 233 yeas to 158 nays, Roll No. 540. **Page H10097**

Agreed to the Putnam amendment to H. Res. 866 by voice vote. **Page H10096**

Recess: The House recessed at 9:46 a.m. and reconvened at 10:34 a.m. **Page H10086**

Recess: The House recessed at 12:34 p.m. and reconvened at 1:56 p.m. **Page H10096**

Suspensions: The House agreed to suspend the rules and pass the following measures which were debated yesterday, November 19:

Recognizing the Boy Scouts of America: H. Res. 853, recognizing the Boy Scouts of America for the public service the organization performs for neighborhoods and communities across the United States, by a ⅔ yea and nay vote of 391 yeas to 3 nays, Roll No. 539; and **Pages H10086–87**

Promoting the development of the emerging commercial human space flight industry: H.R. 5382, to promote the development of the emerging commercial human space flight industry, by a ⅔ yea and nay vote of 269 yeas to 120 nays, Roll No. 541. **Page H10098**

Adjournment Resolution: The House agreed to H. Con. Res. 529, providing for the conditional adjournment of the House and conditional adjournment or recess of the Senate. **Page H10209**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Wednesday, November 24, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 529, in which case it shall stand adjourned pursuant to that resolution. **Page H10209**

Harmful Algal Bloom and Hypoxia Research and Control Act of 1998: The House passed S. 3014, to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998—clearing the measure for the President. **Pages H10209–11**

Microenterprise Results and Accountability Act of 2004: The House passed H.R. 3818, to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, after agreeing to the Smith of New Jersey amendment in the nature of a substitute. **Pages H10211–17**

Extending the authority of the U.S. District Court for the Southern District of Iowa: The

House passed S. 2873, to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois—clearing the measure for the President.

Pages H10217–18

Amending the Irish Peace Process Cultural and Training Program Act of 1998: Agreed to the Senate amendment to H.R. 2655, to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998—clearing the measure for the President. **Pages H10218–19**

Cooperative Research and Technology Enhancement (CREATE) Act of 2004: The House passed S. 2192, to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises—clearing the measure for the President. **Page H10219**

Amending the National Telecommunications and Information Administration Organization Act: The House passed H.R. 5419, to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E–911 calls, and to support in the construction and operation of a ubiquitous and relable citizen activated system; and to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time. **Pages H10219–23**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Wolf, or if not able to perform this duty, Representative Tom Davis (VA) to sign enrolled bills and joint resolutions through December 6, 2004. **Page H10224**

Commission on Systemic Interoperability—Appointment: Read a letter from the Minority Leader wherein she appointed Dr. Simon P. Cohn of Oakland, California to the Commission on Systemic Interoperability. **Page H10224**

Senate Message: Message received from the Senate today appears on page H10096.

Senate Referrals: S. 519, S. 1438, S. 1530, S. 1996, and S. 2605 were referred to the Committee on Resources; S. 2154 was referred to the Committee on the Judiciary; S. 480, S. 2873 and S. 3014 were held on the desk. **Page H10230**

Quorum Calls—Votes: Five yea and nay votes developed during the proceedings of today and appears on pages H10086, H10086–87, H10097, H10098, H10208–09. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 4:55 p.m.

Committee Meetings

CONFERENCE REPORT—CONSOLIDATED APPROPRIATIONS ACT; CONTINUING APPROPRIATIONS FISCAL YEAR 2005

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 4818, Consolidated Appropriations Act, 2005, and against its consideration. The rule provides that the conference report shall be considered as read. Section 2 of the resolution provides for consideration of H.J. Res. 114, making further continuing appropriations for the fiscal year 2005, under a closed rule. The rule provides one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides one motion to recommit H.J. Res. 114. Testimony was heard from Chairman Young of Florida.

Next Meeting of the SENATE

9:30 a.m., Tuesday, December 7

Senate Chamber

Program for Wednesday: Senate will reconvene on Wednesday, November 24, 2004, or until 9:30 a.m., on Tuesday, December 7, 2004, in accordance with the provisions of H. Con. Res. 529, in which the Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Wednesday, November 24

House Chamber

Program for Wednesday: To be announced.

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