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House of Representatives

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

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

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, President Bush told the Nation, ''You can't distinguish between al Qaeda and Saddam.'' That assertion was one of the key justifications for the war in Iraq.

At the appropriate point in the debate, I shall enter into the RECORD 16 similar assertions by leading members of the administration and several other relevant documents.

Those assertions have, like the White House's other claim that Saddam Hussein had vast stockpiles of weapons of mass destruction, not found substantiation in fact. I quote 27 top-level U.S. diplomats and military commanders who have said, ''The administration . . . justified the invasion of Iraq . . . by a cynical campaign to persuade the public that Saddam Hussein was linked to al Qaeda . . . The evidence did not support this argument.''

One week ago, the 9–11 Commission published staff statement number 15 entitled ''Overview of the Enemy,'' which found no credible evidence of a collaborative relationship between Saddam Hussein and al Qaeda. The staff statement was the product of professional people, all of whom were jointly appointed by both the Republican chairman and the Democratic vice chair of the Commission. Included among these staff people are former analysts with the intelligence agencies, investigators and academics.

Instead of accepting the finding of this Commission, which Congress and the President established in order to find the definitive answer to this and other questions, the Vice President went on national television to question the credibility of the Commission. He repeated the assertion that the administration has made so many times, and he said he ''probably'' has more information than the Commission about ties between al Qaeda and Saddam Hussein.

Does the administration have more information than the Commission, or does it not? Is the White House informing the public of substantiated facts, or is the White House engaged in what could be called a cynical campaign to disinform the American public?

As the St. Petersburg Times editorial of yesterday stated, ''We don't know what information the Vice President is referring to, but we do know this: Every important public charge that the White House and its supporters did make against Iraq in the months leading up to war, such as the purchase of nuclear weapons materials from Africa, meetings between al Qaeda and Iraqi operatives in Prague, and mobile biological weapons labs in the Iraqi desert, have been discredited . . . The bipartisan Commission's credibility isn't in question. The administration's is. That is the most important reason for the Vice President to come forward and produce the evidence he alluded to.'' That is the question the Kucinich-Tauscher amendment seeks to answer.

SUBMISSION BY DENNIS J. KUCINICH IN SUPPORT OF THE KUCINICH/TAUSCHER AMENDMENT TO H.R. 4548, JUNE 23, 2004

The Kucinich/Tauscher amendment has been endorsed by:

Admiral Stansfield Turner, former DCI 1977–1981;

Greg Thielmann, former State Department Intelligence official;

Coleen Rowley, in her personal capacity, former FBI official;

Ray McGovern, former CIA analyst;

Gene Betit, former Army Intelligence official;

Ray Close, former CIA chief of station, Saudi Arabia;

David MacMichael, former National Intelligence Council analyst;

Mel Goodman, professor at National War College;

Col. Patrick Lang, retired U.S. Army Special Forces; Defense Intelligence Officer for the Middle East, at DIA;

Larry Johnson, former CIA and State Department intelligence analyst;

Veteran Intelligence Professionals for Sanity (VIPs), Steering Committee;

Center for American Progress.

These are just 16 of the many assertions by members of the Administration about the existence of a collaborative, operational relationship between Saddam Hussein and al-Qaeda.

''You can't distinguish between al-Qaeda and Saddam.'' President George Bush, White House website (9/26/2002).

''He's a threat because he is dealing with al Qaida.'' President George Bush, President Outlines Priorities, White House (11/7/2002).

''Saddam Hussein aids and protects terrorists, including members of al Qaeda. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help develop their own. . . . Imagine those 19 hijackers with other weapons and other planes—this time armed by Saddam Hussein. It would take one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known.'' President George Bush, President Delivers ''State of the Union'', White House (1/28/2003).

''Saddam Hussein has longstanding, direct and continuing ties to terrorist networks. . . . Iraq has also provided al Qaeda with chemical and biological weapons training,'' President George Bush, President's Radio Address, White House (2/8/2003).

''We've removed an ally of al Qaeda, and cut off a source of terrorist funding,'' President George Bush, President Bush Announces Major Combat Operations in Iraq Have Ended, White House (5/1/2003).

''[Iraq] had the capacity to make a weapon and then let that weapon fall into the hands of a shadowy terrorist network.'' President George Bush, Meet the Press (2/8/2004).

''His regime has had high-level contacts with al Qaeda going back a decade and has provided training to al Qaeda terrorists.'' Vice President Richard Cheney, Remarks by the Vice President at the Air National Guard Senior Leadership Conference, White House (12/2/2002).

''He could decide secretly to provide weapons of mass destruction to terrorists for use

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against us.'' Vice President Richard Cheney, Vice President's Remarks at 30th Political Action Conference, White House (1/30/2003).

''We know that he has a long-standing relationship with various terrorist groups, including the al-Qaeda organization.'' Vice President Richard Cheney, Meet the Press, NBC (3/16/2003).

''. . . in Iraq we've had a government—not only was it one of the worst dictatorships in modern times, but had oftentimes hosted terrorists in the past . . . but also an established relationship with the al Qaeda organization . . .'' Vice President Richard Cheney, Vice president Dick Cheney Remarks at Luncheon for Congressman Jim Gerlach, White House (10/3/2003).

''We'll find ample evidence confirming the link . . . between al Qaida and the Iraqi intelligence services. They have worked together on a number of occasions.'' vice President Richard Cheney, Transcript of interview with Vice President Dick Cheney, Rocky Mountain News (1/9/2004).

''I think there's overwhelming evidence that there was a connection between al-Qaeda and the Iraqi government.'' Vice President Richard Cheney, Morning Edition, NPR (1/22/2004).

''It is the nexus between an Al-Qaeda type network and other terrorist network and a terrorist state like Saddam Hussein who has that weapons of mass destruction. As we sit here, there are senior Al-Qaeda in Iraq. They are there.'' Secretary of Defense Donald Rumsfeld, Secretary Rumsfeld Interview with Jim Lehrer, PBS (9/18/2002).

''We have what we consider to be very reliable reporting of senior-level contacts going back a decade, and of possible chemical- and biological-agent training. And when I say contacts, I mean between Iraq and al Qaeda.'' Secretary of Defense Donald Rumsfeld, Defense Department Regular Briefing, Defense Department (9/26/2002).

''They have occurred over a span of some eight or ten years to our knowledge. There are currently al-Qaeda in Iraq.'' Secretary of Defense Donald Rumsfeld, Secretary Rumsfeld Live Interview with Infinity CBS Radio, Infinity-CBS Radio (11/14/2002).

''The regime plays host to terrorists, including Al Qaida, as the president indicated.'' Secretary of Defense Donald Rumsfeld; Donald Rumsfeld and Richard Myers Hold Regular Defense Department Briefing, Defense Department (1/29/2003).

DIPLOMATS & MILITARY COMMANDERS FOR CHANGE

THE OFFICIAL STATEMENT

The undersigned have held positions of responsibility for the planning and execution of American foreign and defense policy. Collectively, we have served every president since Harry S Truman. Some of us are Democrats, some are Republicans or Independents, many voted for George W. Bush. But we all believe that current Administration policies have failed in the primary responsibilities of preserving national security and providing world leadership. Serious issues are at stake. We need a change.

From the outset, President George W. Bush adopted an overbearing approach to America's role in the world, relying upon military might and righteousness, insensitive to the concerns of traditional friends and allies, and disdainful of the United Nations. Instead of building upon America's great economic and moral strength to lead other nations in a coordinated campaign to address the causes of terrorism and to stifle its resources, the Administration, motivated more by ideology than by reasoned analysis, struck out on its own. It led the United States into an ill-planned and costly war from which exit is uncertain. It justified the invasion of Iraq by manipulation of uncertain intelligence about weapons of mass destruction, and by a cynical campaign to persuade the public that Saddam Hussein was linked to Al Qaeda and the attacks of September 11. The evidence did not support this argument.

Our security has been weakened. While American airmen and women, marines, soldiers and sailors have performed gallantly, our armed forces were not prepared for military occupation and nation building. Public opinion polls throughout the world report hostility toward us. Muslim youth are turning to anti-American terrorism. Never in the two and a quarter centuries of our history has the United States been so isolated among the nations, so broadly feared and distrusted. No loyal American would question our ultimate right to act alone in our national interest; but responsible leadership would not turn to unilateral military action before diplomacy had been thoroughly explored.

The United States suffers from close identification with autocratic regimes in the Muslim world, and from the perception of unquestioning support for the policies and actions of the present Israeli Government. To enhance credibility with Islamic peoples we must pursue courageous, energetic and balanced efforts to establish peace between Israelis and Palestinians, and policies that encourage responsible democratic reforms.

We face profound challenges in the 21st Century: proliferation of weapons of mass destruction, unequal distribution of wealth and the fruits of globalization, terrorism, environmental degradation, population growth in the developing world, HIV/AIDS, ethnic and religious confrontations. Such problems can not be resolved by military force, nor by the sole remaining superpower alone; they demand patient, coordinated global effort under the leadership of the United States.

The Bush Administration has shown that it does not grasp these circumstances of the new era, and is not able to rise to the responsibilities of world leadership in either style or substance. It is time for a change.

SIGNATORIES

The Honorable Avis T. Bohlen: Assistant Secretary of State for Arms Control, 1999; Ambassador to Bulgaria, 1996 (District of Columbia).

Admiral William J. Crowe, USN, Ret.; Chairman, President's Foreign Intelligence Advisory Committee; 1993; Ambassador to the Court of Saint James, 1993; Chairman, Joint Chiefs of Staff, 1985; Commander in Chief, United States Pacific Command (Oklahoma).

The Honorable Jeffrey S. Davidow; Ambassador to Mexico, 1998; Assistant Secretary of State for Inter-American Affairs, 1996; Ambassador to Venezuela, 1993; Ambassador to Zambia, 1988 (Virginia).

The Honorable William A. DePree; Ambassador to Bangladesh, 1987; Director of State Department Management Operations, 1983; Ambassador to Mozambique, 1976 (Michigan).

The Honorable Donald B. Easum; Ambassador to Nigeria, 1975; Assistant Secretary of State for African Affairs, 1974; Ambassador to Upper Volta, 1971 (Virginia).

The Honorable Charles W. Freeman, Jr.; Assistant Secretary of Defense, International Security Affairs, 1993; Ambassador to the Kingdom of Saudi Arabia, 1989 (Rhode Island).

The Honorable William C. Harrop; Ambassador to Israel, 1991; Ambassador to Zaire, 1987; Inspector General of the State Department and Foreign Service, 1983; Ambassador to Kenya and Seychelles, 1980; Ambassador to Guinea, 1975 (New Jersey).

The Honorable Arthur A. Hartman; Ambassador to the Soviet Union, 1981; Ambassador to France, 1977; Assistant Secretary of State for European Affairs, 1973 (New Jersey).

General Joseph P. Hoar, USMC, Ret.: Commander in Chief, United States Central Command, 1991; Deputy Chief of Staff, Marine Corps, 1990; Commanding General, Marine Corps Recruit Depot, Parris Island, 1987 (Massachusetts).

The Honorable H. Allen Holmes: Assistant Secretary of Defense for Special Operations, 1993; Ambassador at Large for Burdensharing, 1989; Assistant Secretary of State for Politico-Military Affairs, 1986; Ambassador to Portugal, 1982 (Kansas).

The Honorable Robert V. Keeley: Ambassador to Greece, 1985; Ambassador to Zimbabwe, 1980; Ambassador to Mauritius, 1976 (Florida).

The Honorable Samuel W. Lewis: Director of State Department Policy and Planning, 1993; Ambassador to Israel, 1977; Assistant Secretary of State for International Organization Affairs, 1975 (Texas).

The Honorable Princeton N. Lyman: Assistant Secretary of State for International Organization Affairs, 1997; Ambassador to South Africa, 1992; Director, Bureau of Refugee Programs, 1989; Ambassador to Nigeria, 1986 (Maryland).

The Honorable Jack F. Matlock, Jr.: Ambassador to the Soviet Union, 1987; Director for European and Soviet Affairs, National Security Council, 1983; Ambassador to Czechoslovakia, 1981 (Florida).

The Honorable Donald F. McHenry: Ambassador and U.S. Permanent Representative to the United Nations, 1979 (Illinois).

General Merrill A. (Tony) McPeak, USAF, Ret.: Chief of Staff, United States Air Force, 1990; Commander in Chief, Pacific Air Forces, 1988; Commander, 12th Air Force and U.S. Southern Command Air Forces, 1987 (Oregon).

The Honorable George E. Moose: Representative, United Nations European Office, 1997; Assistant Secretary of State for African Affairs, 1993; Ambassador to Senegal, 1988; Director, State Department Bureau of Management Operations, 1987; Ambassador to Benin, 1983 (Colorado).

The Honorable David D. Newsom: Secretary of State ad interim, 1981; Under Secretary of State for Political Affairs, 1978; Ambassador to the Philippines, 1977; Ambassador to Indonesia, 1973; Assistant Secretary of State for African Affairs, 1969; Ambassador to Libya, 1965 (California).

The Honorable Phyllis E. Oakley: Assistant Secretary of State for Intelligence and Research, 1997; Assistant Secretary of State for Population, Refugees, and Migration, 1994 (Nebraska).

The Honorable Robert Oakley: Special Envoy for Somalia, 1992; Ambassador to Pakistan, 1988; Ambassador to Somalia, 1982; Ambassador to Zaire, 1979 (Louisiana).

The Honorable James D. Phillips: Diplomat-in-Residence, the Carter Center of Emory University, 1994; Ambassador to the Republic of Congo, 1990; Ambassador to Burundi, 1986 (Kansas).

The Honorable John E. Reinhardt: Director of the United States Information Agency, 1977; Assistant Secretary of State for Public Affairs, 1975; Ambassador to Nigeria, 1971 (Maryland).

General William Y. Smith, USAF, Ret.: Chief of Staff for Supreme Headquarters Allied Powers Europe, 1979; Assistant to the Chairman, Organization of the Joint Chiefs of Staff, 1975; Director of National Security Affairs, Office of the Assistant Secretary of Defense for International Security Affairs, 1974 (Arkansas).

The Honorable Ronald I. Spiers: Under Secretary General of the United Nations for Political Affairs, 1989; Under Secretary of State

for Management, 1983; Ambassador to Pakistan, 1981; Director, State Department Bureau of Intelligence and Research, 1980; Ambassador to Turkey, 1977; Ambassador to The Bahamas, 1973; Director, State Department Bureau of Politico-Military Affairs, 1969 (Vermont).

The Honorable Michael E. Sterner: Ambassador to the United Arab Emirates, 1974 (New York).

Admiral Stansfield Turner, USN, Ret.: Director of the Central Intelligence Agency, 1977; Commander in Chief, Allied Forces Southern Europe (NATO), 1975; Commander, U.S. Second Fleet, 1974 (Illinois).

The Honorable Alexander F. Watson: Assistant Secretary of State for Inter-American Affairs, 1993; Ambassador to Brazil, 1992; Deputy Permanent Representative to the United Nations, 1989; Ambassador to Peru, 1986 (Maryland).

[From the St. Petersburg Times, June 22, 2004]

WHERE'S THE PROOF?

If Vice President Cheney has secret evidence of a link between Saddam Hussein and al-Qaida, he has an obligation to share it with the 9/11 commission.

President Bush and Vice President Cheney vehemently dispute the 9/11 commission's conclusion that no ''collaborative'' relationship existed between al-Qaida and Saddam Hussein's regime, and the vice president says he ''probably'' has seen incriminating evidence that the commission has not reviewed. If so, the Bush administration has an obligation to share that evidence with the commission immediately. Members of the commission, who were appointed by the president, are cleared to see the most sensitive classified information, and the administration agreed more than a year ago to provide all documents the commission needs to complete its investigation into the worst terrorist attacks in our nation's history. Evidence of a more substantial link between al-Qaida and Hussein wouldn't just bolster the administration's case for having gone to war in Iraq; it also could help to complete the picture of al-Qaida's planning and support prior to 9/11.

The White House also has an obligation to share any such information with the American people and the world community. We live in a representative democracy, not an autocracy, and our government cannot successfully wage war for reasons that are not understood and supported by the public. We also are dependent on the cooperation of other governments around the world in the war against terrorism, and that support depends on our credibility.

We don't know what information the vice president is referring to, but we do know this: Every important public charge that the White House and its supporters did make against Iraq in the months leading up to war—such as the purchase of nuclear weapons from Africa, meetings between al-Qaida and Iraqi operatives in Prague and mobile biological weapons labs in the Iraqi desert—has been discredited.

No substantive evidence on the record supports the administration's claim that Iraq presented an immediate threat to U.S. security. Members of the 9/11 commission are understandably reluctant to engage in a semantic argument with the White House over the meaning of a ''collaborative'' relationship, but Thomas Kean, the Republican chairman of the commission, notes that al-Qaida had more substantial links to the governments of Iran and Pakistan prior to 9/11 than it had to Iraq.

The 9/11 commission's reports have been meticulous, straightforward and persuasive. They have dealt with Iraq only to the extent that allegations about Hussein's possible role in aiding al-Qaida prior to the attacks had to be investigated and put to rest. The bipartisan commission's credibility isn't in question. The administration's is. That's the most important reason for the vice president to come forward and produce the evidence he alluded to.

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

The CHAIRMAN. Who seeks to control time in opposition to the amendment?

Mr. GOSS. Mr. Chairman, I rise to control the time. I am not in opposition to the amendment, but I do have some remarks.

The CHAIRMAN. Without objection, the gentleman from Florida (Mr. GOSS) will control the time.

There was no objection.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I rise in support of this amendment, which calls for the CIA's Inspector General to submit a report to Congress detailing evidence of any relationship between Saddam Hussein's regime and al Qaeda prior to September 11, 2001. This report will help augment an already public record of such a relationship.

On November 4, 1998, the U.S. Federal Grand Jury issued an indictment against Osama bin Laden alleging that he and others engaged in a long-term conspiracy to attack U.S. facilities overseas. The same indictment states that ''al Qaeda reached an agreement with the government of Iraq and that on particular projects, specifically including weapons development, al Qaeda would work cooperatively with the government of Iraq.''

I would like to enter at the appropriate time the 1999 indictment into the RECORD.

An Iraq defector to Turkey told the London Sunday Times that he saw bin Laden's fighters in camps in Iraq in 1997. And I would also like to enter at the appropriate time the July 14, 2002, London Sunday Times article on this issue into the RECORD.

In October, 2000, an Iraqi intelligence operative was arrested along the Afghan border by Pakistani authorities, according to ''Jane's Foreign Report.'' This respected international newsletter reported that the operative was shuttling between Iraq intelligence and al Qaeda's number two man and that throughout 2003, in the portion of northern Iraq loyal to Saddam Hussein, an Ansar al-Islam official admitted to Kurdish newspapers that when Ansar al-Islam was established in 2001, al Qaeda operatives offered a gift of $300,000 to assist the group in conducting suicide operations against Americans.

An al Qaeda leader went to Iraq after he was injured in Afghanistan in May, 2002. Once he recovered, he traveled to Lebanon where he met with Hezbollah just before the October, 2002, assassination of USAID official Lawrence Foley in Jordan. After Zarqawi's return to Iraq, he met with Ansar al-Islam officials in January, 2003, according to several AI terrorists arrested in Britain.

Zarqawi is currently in Iraq taking credit for suicide car bombings against innocent Iraqis and coalition forces.

More recently Abdul Rahman Yasin remains the only member of the al Qaeda cell that detonated the 1993 World Trade Center bomb to remain at large from the Clinton years. He fled to Iraq where U.S. forces recently uncovered a cache of documents in Saddam's hometown of Tikrit that show Yasin received both a house and monthly salary from Iraq.

A 9–11 Commission staff working paper stated that there appears to be no evidence that Iraq was linked to the September 11 attacks on the United States, but several Commission members have corrected the record recently to state that ''The Vice President is saying that there were connections between al Qaeda and Saddam Hussein's government. We don't disagree with that,'' and that the Commission has ''found contacts between al Qaeda and Iraq, that some of it is shadowy, but there is no question that the contacts were there.''

I would like to submit at the appropriate time the transcript of the Talk Radio News Service questioning of 9–11 Commission members Hamilton and Kean following the hearing of the 9–11 Commission on Thursday, June 17, 2004.

Lastly, we should not forget that Iraq was designated as the state sponsor of terrorism for more than a decade, including this administration as well as previous administrations.

I urge this amendment be adopted so we can further augment our understanding of the nature of any relationship between al Qaeda and the Hussein government.

INDICTMENT

In the United States District Court—Southern District of New York, United States of America v. Usama bin laden, Defendant.

COUNT ONE—CONSPIRACY TO ATTACK DEFENSE UTILITIES OF THE UNITED STATES

The Grand Jury charges:

Background: Al Qaeda

1. At all relevant times from in or about 1989 until the date of the filing of this Indictment, an international terrorist group existed which was dedicated to opposing non-Islamic governments with force and violence. This organization grew out of the ''mekhtab al khidemat'' (the ''Services Office'') organization which had maintained (and continues to maintain) offices in various parts of the world, including Afghanistan, Pakistan (particularly in Peshawar) and the United States, particularly at the Alkifah Refugee Center in Brooklyn. From in or about 1989 until the present, the group called itself ''Al Qaeda'' (''the Base''). From 1989 until in or about 1991, the group was headquartered in Afghanistan and Peshawar, Pakistan. In or about 1992, the leadership of Al Qaeda, including its ''emir'' (or prince) USAMA BIN LADEN, the defendant, and its military command relocated to the Sudan. From in or about 1991 until the present, the group also called itself the ''Islamic Army.''

The international terrorist group (hereafter referred to as ''Al Qaeda'') was headquartered in the Sudan from approximately 1992 until approximately 1996 but still maintained offices in various parts of the world. In 1996, USAMA BIN LADEN and Al Qaeda relocated to Afghanistan. At all relevant times, Al Qaeda was led by its ''emir,'' USAMA BIN LADEN. Members of Al Qaeda pledged an oath of allegiance to USAMA BIN LADEN and Al Qaeda.

2. Al Qaeda opposed the United States for several reasons. First, the United States was regarded as ''infidel'' because it was not governed in a manner consistent with the group's extremist interpretation of Islam. Second, the United States was viewed as providing essential support for other ''infidel'' governments and institutions, particularly the governments of Saudi Arabia and Egypt, the nation of Israel and the United Nations, which were regarded as enemies of the group. Third, Al Qaeda opposed the involvement of the United States armed forces in the Gulf War in 1991 and in Operation Restore Hope in Somalia in 1992 and 1993. In particular, Al Qaeda opposed the continued presence of American military forces in Saudi Arabia (and elsewhere on the Saudi Arabian peninsula) following the Gulf War. Fourth, Al Qaeda opposed the United States Government because of the arrest, conviction and imprisonment of persons belonging to Al Qaeda or its affiliated terrorist groups, including Sheik Omar Abdel Rahman.

3. Al Qaeda has functioned both on its own and through some of the terrorist organizations that have operated under its umbrella, including: the Islamic Group (also known as ''al Gamaa Islamia'' or simply ''Gamaa't''), led by co-conspirator Sheik Omar Abdel Rahman,'' the al Jihad group based in Egypt; the ''Talah e Fatah'' (''Vanguards of Conquest'') faction of al Jihad, which was also based in Egypt, which faction was led by co-conspirator Ayman al Zawahiri (''al Jihad''); Palestinian Islamic Jihad; and a number of jihad groups in other countries, including Egypt, the Sudan, Saudi Arabia, Yemen, Somalia, Eritrea, Kenya, Pakistan, Bosnia, Croatia, Algeria, Tunisia, Lebanon, the Philippines, Tajikistan, Chechnya, Bangladesh, Kashmir and Azerbaijan. In February 1998, Al Qaeda joined forces with Gamaa't, Al Jihad, the Jihad Movement in Bangladesh and the ''Jamaat ul Ulema e Pakistan'' to issue a fatwah (an Islamic religious ruling) declaring war against American civilians worldwide under the banner of the ''International Islamic Front for Jihad on the Jews and Crusaders.''

4. Al Qaeda also forged alliances with the National Islamic Front in the Sudan and with the government of Iran and its associated terrorist group Hezballah for the purpose of working together against their perceived common enemies in the West, particularly the United States. In addition, al Qaeda reached an understanding with the government of Iraq that al Qaeda would not work against that government and that on particular projects, specifically including weapons development, al Qaeda would work cooperatively with the Government of Iraq.

5. Al Qaeda had a command and control structure which included a majlis al shura (or consultation council) which discussed and approved major undertakings, including terrorist operations.

6. Al Qaeda also conducted internal investigations of its members and their associates in an effort to detect informants and killed those suspected of collaborating with enemies of Al Qaeda.

7. From at least 1991 until the date of the filing of this Indictment, in the Sudan, Afghanistan and elsewhere out of the jurisdiction of any particular state or district, USAMA BIN LADEN, a/k/a ''Usamah Bin-Muhammad Bin-Laden,'' a/k/a ''Shaykh Usamah Bin-Laden,'' a/k/a ''Mujahid Shaykh,'' a/k/a ''Abu Abdallah,'' a/k/a 'QaQa,'' the defendant, and co-conspirator not named as a defendant herein (hereafter ''Co-conspirator'') who was first brought to and arrested in the Southern District of New York, and others known and unknown to the grand jury, unlawfully, willfully and knowingly combined, conspired, confederated and agreed together and with each other to injure and destroy, and attempt to injure and destroy, national-defense material, national-defense premises and national-defense utilities of the United States with the intent to injure, interfere with and obstruct the national defense of the United States.

Overt Acts

8. In furtherance of the same conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. At various times from at least as early as 1991 until at least in or about February 1998, USAMA BIN LADEN, the defendant, met with Co-conspirator and other members of Al Qaeda in the Sudan, Afghanistan and elsewhere;

b. At various times from at least as early as 1991, USAMA BIN LADEN, and others known and unknown, made efforts to obtain weapons, including firearms and explosives, for Al Qaeda and its affiliated terrorist groups;

c. At various times from at least as early as 1991, USAMA BIN LADEN, and others known and unknown, provided training camps and guesthouses in various areas, including Afghanistan and the Sudan, for the use of Al Qaeda and its affiliated terrorist groups;

d. At various times from at least as early as 1991, USAMA BIN LADEN, and others known and unknown, made efforts to produce counterfeit passports purporting to be issued by various countries and also obtained official passports from the Government of the Sudan for use by Al Qaeda and its affiliated groups;

e. At various times from at least as early as 1991, USAMA BIN LADEN, and others known and unknown, made efforts to recruit United States citizens to Al Qaeda in order to utilize the American citizens for travel throughout the Western world to deliver messages and engage in financial transactions for the benefit of Al Qaeda and its affiliated groups;

f. At various times from at least as early as 1991, USAMA BIN LADEN, and others known and unknown, made efforts to utilize non-Government organizations which purported to be engaged in humanitarian work as conduits for transmitting funds for the benefit of Al Qaeda and its affiliated groups;

g. At various times from at least as early as 1991, Co-conspirator and others known and unknown to the grand jury engaged in financial and business transactions on behalf of defendant USAMA BIN LADEN and Al Qaeda, including, but not limited to: purchasing land for training camps: purchasing warehouses for storage of items, including explosives; transferring funds between bank accounts opened in various names; obtaining various communications equipment, including satellite telephones; and transporting currency and weapons to members of Al Qaeda and its associated terrorist organizations in various countries throughout the world;

h. At various times from in or about 1992 until the date of the filing of this Indictment, USAMA BIN LADEN and other ranking members of Al Qaeda stated privately to other members of Al Qaeda that Al Qaeda should put aside its differences with Shiite Muslim terrorist organizations, including the Government of Iran and its affiliated terrorist group Hezballah, to cooperate against the perceived common enemy, the United States and its allies;

i. At various times from in or about 1992 until the date of the filing of this Indictment, USAMA BIN LADEN and other ranking members of Al Qaeda stated privately to other members of Al Qaeda that the United States forces stationed on the Saudi Arabian peninsula, including both Saudi Arabia and Yemen, should be attacked;

j. At various times from in or about 1992 until the date of the filing of this Indictment, USAMA BIN LADEN and other ranking members of Al Qaeda stated privately to other members of Al Qaeda that the United States forces stationed in the Horn of Africa, including Somalia, should be attacked;

k. Beginning in or about early spring 1993, Al Qaeda members began to provide training and assistance to Somali tribes opposed to the United Nations' intervention in Somalia;

l. On October 3 and 4, 1993, members of Al Qaeda participated with Somali tribesmen in an attack on United States military personnel serving in Somalia as part of Operation Restore Hope, which attack killed a total of 18 United States soldiers and wounded 73 others in Mogadishu;

m. On two occasions in the period from in or about 1992 until in or about 1995, Co-conspirator helped transport weapons and explosives from Khartoum to Port Sudan for transshipment to the Saudi Arabian peninsula;

n. At various times from at least as early as 1993, USAMA BIN LADEN and others known and unknown, made efforts to obtain the components of nuclear weapons:

o. At various times from at least as early as 1993, USAMA BIN LADEN and others known and unknown, made efforts to produce chemical weapons;

p. On or about August 23, 1996, USAMA BIN LADEN signed and issued a Declaration of Jihan entitled ''Message from Usamah Bin-Muhammad Bin-Laden to His Muslim Brothers in the Whole World and Especially in the Arabian Peninsula: Declaration of Jihad Against the Americans Occupying the Land of the Two Holy Mosques; Expel the Heretics from the Arabian Peninsula'' (hereafter ''Declaration of Jihad'') from the Hindu Kush mountains in Afghanistan. The Declaration of Jihad included statements that efforts should be pooled to kill Americans and encouraged other persons to join the jihad against the American ''enemy'';

q. In or about late August 1996, USAMA BIN LADEN read aloud the Declaration of Jihad and made an audiotape recording of such reading for worldwide distribution: and

r. In February 1998, USAMA BIN LADEN issued a joint declaration in the name of Gamaa't, Al Jihad, the Jihad Movement in Bangladesh and the ''Jamaat ul Ulema e Pakistan'' under the banner of the ''International Islamic Front for Jihad on the Jews and Crusaders,'' which stated that Muslims should kill Americans—including civilians—anywhere in the world where they can be found.

(Title 18, United States Code, Section 2155(b).)

MARY JO WHITE,
United States Attorney.

[From the Sunday Times (London), July 14, 2002]

MILITIA DEFECTOR CLAIMS BAGHDAD TRAINED AL-QAEDA FIGHTERS IN CHEMICAL WARFARE

(By Gwynne Roberts)

A former colonel in Saddam Hussein's Fedayeen, one of Iraq's most brutal militias,

has claimed that he trained with fighters from Osama Bin Laden's Al-Qaeda terrorist network in secret camps near Baghdad. The defector, who fled to Turkey three years ago, says that as long ago as 1997 and 1998, Islamic extremists were being taught how to use chemical and biological weapons.

Their instructors, he says, were from a military intelligence organisation known as Unit 999, which ran a six-month course for ''foreigners'' including the Iranian opposition organisation Mojahedin-e Khalq and the Turkish-Kurdish PKK rebel movement as well as Al-Qaeda.

Colonel ''Abu Mohammed'', whose real name is being withheld to protect him and his family near Ankara, says American officials who debriefed him in 1999 showed little interest in his information. If true, however, his story may acquire fresh significance as America seeks evidence of a link between Saddam Hussein and Bin Laden that could help it to justify an attack on Baghdad. In recent months several defectors have spoken of secret training camps in Iraq where Arabs from all over the Middle East have been trained in sabotage techniques by Mukhabarat (intelligence) instructors.

Mohammed said he was recruited into Saddam's Fedayeen in 1997 and trained at two secret facilities—at Salman Pak, southeast of Baghdad, and at the Unit 999 camp, northwest of the Iraqi capital. His first encounter with Bin Laden's fighters occurred at Salman Pak when he was on an induction course to become a Fedayeen officer, he said.

''We were met by Colonel Jamil Kamil, the camp manager, and Major Ali Hawas. I noticed that a lot of people were queueing for food.

(The major) said to me: 'You'll have nothing to do with these people. They are Osama Bin Laden's group and the PKK and the Mojahedin-e Khalq.

''They train for three months at Unit 999 and another three at the Mukhabarat school in Salman Pak. So there are two camps where they train Bin Laden's people.''

Mohammed said he had attended another training course at Salman Pak and Unit 999 a year later, spending 15 days at each facility. Here, once again, he encountered Al-Qaeda fighters undergoing specialised sabotage training.

''There was training in the use of biological and chemical weapons there but they were not Iraqis doing it—only foreigners,'' he said.

''They were trained to put materials into small containers and study the biological effects. In the training areas there is a field especially for weapons of mass destruction. Here, experts hold lectures and conduct biological experiments—theoretical experiments, of course—on how to place explosives or how to pollute specific areas, water and public places and ventilation systems as well as power stations. They had maps of the USA, Britain, Turkey, Iran and Saudi Arabia.''

Mohammed's claims illustrate the challenge American officials face in determining the quality of information from defectors whose hatred of the Iraqi regime may lead them to embellish their accounts.

The intelligence services have struggled to find convincing evidence of links between Iraq and Al-Qaeda. Saddam's secular regime has little in common with Bin Laden except for a shared hatred of America and Israel.

However, Abbas al-Janabi, who spent 15 years as personal assistant to Uday, Saddam's son, before fleeing to the West in 1998 and who is regarded as one of the most reliable senior defectors, is convinced that there is a connection between Bin Laden and Saddam. Last week he said he had learnt that Iraqi officials had visited Afghanistan and Sudan to strengthen ties with Al-Qaeda. He also knew of a top secret centre near Baghdad where ''foreigners'' trained with Iraqis.

''This was a sort of factory for turning out instructors,'' Janabi said. ''They trained both Iraqis and foreign nationals. Suicide squads were trained in sabotage techniques using weapons of mass destruction. They were well paid, well fed and their families well looked after.'' Janabi predicted that in the event of war with the West, Saddam would deploy bio-weapons including smallpox.

The training described by Mohammed and Jannabi raises the possibility that Iraq has been passing on expertise learnt from the East Germans during the cold war. At Massow, a camp just south of Berlin, secret police instructors taught Iraqis how to attack civilian targets using chemical and biological warfare agents.

A former Stasi lieutenant-colonel said: ''The courses emphasised chemical weapons which attack the nervous system. They were also taught how to deploy bacteriological weapons—influenza, anthrax and yellow fever.''

In a Kurdish prison in Sulaimaniya, northern Iraq, further corroboration of claims that Saddam and Bin Laden have co-operated has come from an Iraqi who has admitted working for the Mukhabarat. He said that Bin Laden's second-in-command, the Egyptian doctor Ayman al-Zawahiri, had met Saddam in Baghdad in 1992. ''I was one of the people responsible for his protection,'' he claimed.

The prisoner seemed well informed about Unit 999. Men attached to Al-Qaeda had been dispatched, from there to Afghanistan, Lebanon, Sudan and to a base in Somalia from where they were reassigned, he said. Some fighters trained by the Iraqis had joined Al-Ansar Al-Islam, the Allies of Islam, a militant Islamic group based in eastern Kurdistan.

Acts of terror by this group are beginning to pose a serious threat to stability in the area. Al-Ansar is blamed for trying to assassinate Dr Barham Salih, prime minister of the Kurdish regional government, in April. Two would-be assassins were killed and a third was captured. During the subsequent investigation the captive reportedly admitted that Al-Qaeda had recruited him in Jordan.

There is also growing evidence that Bin Laden's supporters are crossing through Iran from Afghanistan to join AlAnsar. Inhabitants of Halabja, the town gassed by the Iraqi army in 1988, live in fear of Al-Ansar reprisals against anyone considered pro-western.

With the prospect of American intervention in northern Iraq looming, Al-Ansar could prove dangerous. Its objective is to overthrow the pro-western Kurdish regional governments and to set up an Islamic state modelled on the Taliban's rule in Afghanistan.

[From Global Security.org, Dec. 14, 2002]

SALMAN PARK—IRAQ SPECIAL WEAPONS FACILITIES

Former Iraqi military officers have described a highly secret terrorist training facility at Salman Pak, where both Iraqis and non-Iraqi Arabs receive training on hijacking planes and trains, planting explosives in cities, sabotage, and assassinations.

The Salman Pak biological warfare facility was located on a peninsula caused by a bend in the Tigris river, approximately five kilometers (km) from the arch located in the town of Salman Pak. The facility area comprised more than 20 square km, and might have been known as a farmers (or agricultural) experimentation center. The peninsula was fenced off and patrolled by a large guard force. Immediately inside and to the east of the fence line were two opulent villas: the larger built for Iraqi president Saddam Hussein and the other for his half-brother, Barazan alTikriti. A main paved road ran through the center of the Salman Pak facility/peninsula.

Plans were made in the mid–1980's to develop the Salman Pak site into a secure biological warfare research facility. Dr Rihab Taha, head of a small biological weapons research team, continued to work with her team at al-Muthanna until 1987 when it moved to Salman Pak, which was under the control of the Directorate of General Intelligence.

Located at the facility are several buildings. The probable main research building at the site is a modern building, composed of twenty four rooms, housing a major BW research facility. Using current technology the research area alone had sufficient floor space to accommodate several continuous flow or batch fermenters that could produce daily sufficient anthrax bacteria to lethally assault hundreds of square kilometers. Adjacent to the research building is a storage area which contains four munitions type storage bunkers with lighting arrestors. Two of these bunkers have facilities for storage of temperature sensitive biological material. Approximately a mile down the road from the research area is a complex US intelligence believe to be an engineering area. One building in this complex was thought to contain a fermentation pilot plant capable of scale up production of BW agents. A construction project comprising several buildings was begun in early 1989 adjacent to the engineering area, and was near completion in 1990. This new complex was assessed as a pharmaceutical production plant. As such, this facility would have an extensive capability for biological agent production.

Salman Pak, located 30–40 km SE of Baghdad, engaged in laboratory scale research on Anthrax, Botulinum toxin, Clostridium, perfringens (gas gangrene), mycotoxins, aflatoxins, and Ricin. Researchers at this site carried out toxicity evaluations of these agents and examined their growth characteristics and survivability.

Equipment-moving trucks and refrigerated trucks were observed at the Salman Pak BW facility prior to the onset of bombing, suggesting that Iraq was moving equipment or material into or out of the facility. Information obtained after the conflict revealed that Iraq had moved BW agent production equipment from Salman Pak to the Al Hakam suspect BW facility.

The Qadisiya State Establishment [aka Al-Qadsia], involved in the program to produce Al Hussein class missiles, is apparently located nearby, along with the Al-Yarmouk facility which according to some reports was associated with the chemical munitions program [and which other reports place at Yusufiyah].

Iraq told UN inspectors that Salman Pak was an anti-terror training camp for Iraqi special forces. However, two defectors from Iraqi intelligence stated that they had worked for several years at the secret Iraqi government camp, which had trained Islamic terrorists in rotations of five or six months since 1995. Training activities including simulated hijackings carried out in an airplane fuselage [said to be a Boeing 707] at the camp. The camp is divided into distinct sections. On one side of the camp young, Iraqis who were members of Fedayeen Saddam are trained in espionage, assassination techniques and sabotage. The Islamic militants trained on the other side of the camp, in an

area separated by a small lake, trees and barbed wire. The militants reportedly spent time training, usually in groups of five or six, around the fuselage of the airplane. There were rarely more than 40 or 50 Islamic radicals in the camp at one time.

[From townhall.com, June 18, 2004]

WRONG AGAIN

(By Richard Miniter)

Every day it seems another American soldier is killed in Iraq. These grim statistics have become a favorite of network news anchors and political chat show hosts. Nevermind that they mix deaths from accidents with actual battlefield casualties; or that the average is actually closer to one American death for every two days; or that enemy deaths far outnumber ours. What matters is the overall impression of mounting, pointless deaths.

That is why it is important to remember why we fight in Iraq—and who we fight. Indeed, many of those sniping at U.S. troops are al Qaeda terrorists operating inside Iraq. And many of bin Laden's men were in Iraq prior to the liberation. A wealth of evidence on the public record—from government reports and congressional testimony to news accounts from major newspapers—attests to longstanding ties between bin Laden and Saddam going back to 1994.

Those who try to whitewash Saddam's record don't dispute this evidence; they just ignore it. So let's review the evidence, all of it on the public record for months or years:

Abdul Rahman Yasin was the only member of the al Qaeda cell that detonated the 1993 World Trade Center bomb to remain at large in the Clinton years. He fled to Iraq. U.S. forces recently discovered a cache of documents in Tikrit, Saddam's hometown, that show that Iraq gave Mr. Yasin both a house and monthly salary.

Bin Laden met at least eight times with officers of Iraq's Special Security Organization, a secret police agency run by Saddam's son Qusay, and met with officials from Saddam's mukhabarat, its external intelligence service, according to intelligence made public by Secretary of State Colin Powell, who was speaking before the United Nations Security Council on February 6, 2003.

Sudanese intelligence officials told me that their agents had observed meetings between Iraqi intelligence agents and bin Laden starting in 1994, when bin Laden lived in Khartoum. Bin Laden met the director of the Iraqi mukhabarat in 1996 in Khartoum, according to Mr. Powell. An al Qaeda operative now held by the U.S. confessed that in the mid-1990s, bin Laden had forged an agreement with Saddam's men to cease all terrorist activities against the Iraqi dictator, Mr. Powell told the United Nations.

In 1999 the Guardian, a British newspaper, reported that Farouk Hijazi, a senior officer in Iraq's mukhabarat, had journeyed deep into the icy mountains near Kandahar, Afghanistan, in December 1998 to meet with al Qaeda men. Mr. Hijazi is ''thought to have offered bin Laden asylum in Iraq,'' the Guardian reported.

In October 2000, another Iraqi intelligence operative, Salah Suleiman, was arrested near the Afghan border by Pakistani authorities, according to Jane's Foreign Report, a respected international newsletter. Jane's reported that Suleiman was shuttling between Iraqi intelligence and Ayman al Zawahiri, now al Qaeda's No. 2 man.

(Why are all of those meetings significant? The London Observer reports that FBI investigators cite a captured al Qaeda field manual in Afghanistan, which ''emphasizes the value of conducting discussions about pending terrorist attacks face to face, rather than by electronic means.'')

As recently as 2001, Iraq's embassy in Pakistan was used as a ''liaison'' between the Iraqi dictator and al Qaeda, Mr. Powell told the United Nations.

Spanish investigators have uncovered documents seized from Yusuf Galan—who is charged by a Spanish court with being ''directly involved with the preparation and planning'' of the Sept. 11 attacks—that show the terrorist was invited to a party at the Iraqi embassy in Madrid. The invitation used his ''al Qaeda nom de guerre,'' London's Independent reports.

An Iraqi defector to Turkey, known by his cover name as ''Abu Mohammed,'' told Gwynne Roberts of the Sunday Times of London that he saw bin Laden's fighters in camps in Iraq in 1997. At the time, Mohammed was a colonel in Saddam's Fedayeen. He described an encounter at Salman Pak, the training facility southeast of Baghdad. At that vast compound run by Iraqi intelligence, Muslim militants trained to hijack planes with knives—on a full-size Boeing 707. Col. Mohammed recalls his first visit to Salman Pak this way: ''We were met by Colonel Jamil Kamil, the camp manager, and Major Ali Hawas. I noticed that a lot of people were queuing for food. (The major) said to me: 'You'll have nothing to do with these people. They are Osama bin Laden's group and the PKK and Mojahedin-e Khalq.' ''

In 1998, Abbas al-Janabi, a longtime aide to Saddam's son Uday, defected to the West. At the time, he repeatedly told reporters that there was a direct connection between Iraq and al Qaeda.

The Sunday Times found a Saddam loyalist in a Kurdish prison who claims to have been Dr. Zawahiri's bodyguard during his 1992 visit with Saddam in Baghdad. Dr. Zawahiri was a close associate of bin Laden at the time and was present at the founding of al Qaeda in 1989.

Following the defeat of the Taliban, almost two dozen bin Laden associates ''converged on Baghdad and established a base of operations there,'' Mr. Powell told the United Nations in February 2003. From their Baghdad base, the secretary said, they supervised the movement of men, materiel and money for al Qaeda's global network.

In 2001, an al Qaeda member ''bragged that the situation in Iraq was 'good,' '' according to intelligence made public by Mr. Powell.

That same year, Saudi Arabian border guards arrested two al Qaeda members entering the kingdom from Iraq.

Abu Musaab al-Zarqawi oversaw an al Qaeda training camp in Afghanistan, Mr. Powell told the United Nations. His specialty was poisons. Wounded in fighting with U.S. forces, he sought medical treatment in Baghdad in May 2002. When Zarqawi recovered, he restarted a training camp in northern Iraq. Zargawi's Iraq cell was later tied to the October 2002 murder of Lawrence Foley, an official of the U.S. Agency for International Development, in Amman, Jordan. The captured assassin confessed that he received orders and funds from Zarqawi's cell in Iraq, Mr. Powell said. His accomplice escaped to Iraq.

Zarqawi met with military chief of al Qaeda, Mohammed Ibrahim Makwai (aka Saif al-Adel) in Iran in February 2003, according to intelligence sources cited by the Washington Post.

Mohammad Atef, the head of al Qaeda's military wing until the U.S. killed him in Afghanistan in November 2001, told a senior al Qaeda member now in U.S. custody that the terror network needed labs outside of Afghanistan to manufacture chemical weapons, Mr. Powell said. ''Where did they go, where did they look?'' said the secretary. ''They went to Iraq.''

Abu Abdullah al-Iraqi was sent to Iraq by bin Laden to purchase poison gases several times between 1997 and 2000. He called his relationship with Saddam's regime ''successful,'' Mr. Powell told the United Nations.

Mohamed Mansour Shahab, a smuggler hired by Iraq to transport weapons to bin Laden in Afghanistan, was arrested by anti-Hussein Kurdish forces in May, 2000. He later told his story to American intelligence and a reporter for the New Yorker magazine.

Documents found among the debris of the Iraqi Intelligence Center show that Baghdad funded the Allied Democratic Forces, a Ugandan terror group led by an Islamist cleric linked to bin Laden. According to a London's Daily Telegraph, the organization offered to recruit ''youth to train for the jihad'' at a ''headquarters for international holy warrior network'' to be established in Baghdad.

Mullah Melan Krekar, ran a terror group (the Ansar al-Islam) linked to both bin Laden and Saddam Hussein. Mr. Krekar admitted to a Kurdish newspaper that he met bin Laden in Afghanistan and other senior al Qaeda officials. His acknowledged meetings with bin Laden go back to 1988. When he organized Ansar al Islam in 2001 to conduct suicide attacks on Americans, ''three bin Laden operatives showed up with a gift of $300,000 'to undertake jihad,' '' Newsday reported. Mr. Krekar is now in custody in the Netherlands. His group operated in portion of northern Iraq loyal to Saddam Hussein—and attacked independent Kurdish groups hostile to Saddam. A spokesman for the Patriotic Union of Kurdistan told a United Press International correspondent that Mr. Krekar's group was funded by ''Saddam Hussein's regime in Baghdad.''

After October 2001, hundreds of al Qaeda fighters are believed to have holed up in the Ansar al-Islam's strongholds inside northern Iraq.

Some skeptics dismiss the emerging evidence of a longstanding link between Iraq and al Qaeda by contending that Saddam ran a secular dictatorship hated by Islamists like bin Laden.

In fact, there are plenty of ''Stalin-Roosevelt'' partnerships between international terrorists and Muslim dictators. Saddam and bin Laden had common enemies, common purposes and interlocking needs. They shared a powerful hate for America and the Saudi royal family. They both saw the Gulf War as a turning point. Saddam suffered a crushing defeat which he had repeatedly vowed to avenge. Bin Laden regards the U.S. as guilty of war crimes against Iraqis and believes that non-Muslims shouldn't have military bases on the holy sands of Arabia. Al Qaeda's avowed goal for the past ten years has been the removal of American forces from Saudi Arabia, where they stood in harm's way solely to contain Saddam.

The most compelling reason for bin Laden to work with Saddam is money. Al Qaeda operatives have testified in federal courts that the terror network was always desperate for cash. Senior employees fought bitterly about the $100 difference in pay between Egyptian and Saudis (the Egyptians made more). One al Qaeda member, who was connected to the 1998 embassy bombings, told a U.S. federal court how bitter he was that bin Laden could not pay for his pregnant wife to see a doctor.

Bin Laden's personal wealth alone simply is not enough to support a profligate global organization. Besides, bin Laden's fortune is probably not as large as some imagine. Informed estimates put bin Laden's pre-Sept. 11, 2001 wealth at perhaps $30 million. $30 million is the budget of a small school district, not a global terror conglomerate. Meanwhile, Forbes estimated Saddam's personal fortune at $2 billion.

So a common enemy, a shared goal and powerful need for cash seem to have forged an alliance between Saddam and bin Laden. CIA Director George Tenet recently told the Senate Intelligence Committee: ''Iraq has in the past provided training in document forgery and bomb making to al Qaeda. It also provided training in poisons and gasses to two al Qaeda associates; one of these [al Qaeda] associates characterized the relationship as successful. Mr. Chairman, this information is based on a solid foundation of intelligence. It comes to us from credible and reliable sources. Much of it is corroborated by multiple sources.

The Iraqis, who had the Third World's largest poison-gas operations prior to the Gulf War I, have perfected the technique of making hydrogen-cyanide gas, which the Nazis called Zyklon-B. In the hands of al Qaeda this would be a fearsome weapon in an enclosed space like a suburban mall or subway station.

[From Talk Radio News Service, June 17, 2004]

(Excerpt from the media availability following the hearing of the National Commission on Terrorist Attacks Upon the United States. Participants: Thomas Kean, Commission Chairman; Lee Hamilton, Commission Co-Chairman.)

QUESTION. The Associated Press is reporting this morning that President Bush has disputed your finding that there was no collaborative relationship between Saddam Hussein and al Qaeda. Would you like to comment on that?

Mr. KEAN. Well, what we're going on is the evidence we have found. What we have found is that, were there contacts between al Qaeda and Iraq? Yes. Some of it is shadowy, but there's no question they were there. That is correct. What our staff statement found is there is no credible evidence that we can discover, after a long investigation, that Iraq and Saddam Hussein in any way were part of the attack on the United States.

Mr. HAMILTON. I must say I have trouble understanding the flack over this. The vice president is saying, I think, that there were connections between al Qaeda and Saddam Hussein's government. We don't disagree with that. What we have said is what the governor just said, we don't have any evidence of a cooperative, or a corroborative relationship between Saddam Hussein's government and these al Qaeda operatives with regard to the attacks on the United States. So it seems to me the sharp differences that the press has drawn, the media has drawn, are not that apparent to me.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the gentleman from Illinois for helping to demonstrate the very reason why it is important to have an Inspector General's audit because of all the conflicting information. So I appreciate his presenting his side.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), our ranking member.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

I believe that having the CIA Inspector General conduct an impartial independent audit of the intelligence reporting on this matter is a good idea, and I support his amendment.

Let me just mention something that I do not believe has come up the debate, and that is that there is a real difference pre-war and post-war. From my review of the sources provided to our committee on the nature of this relationship, I have concluded that pre-war there were contacts but no operational relationship. Post-war is a different story. Post-war there is an operational relationship between terrorists and folks on the ground in Iraq. Saddam Hussein is no longer there, but there is a massive both recruiting and enabling effort in Iraq for terrorists around the world. Iraq has now become fly paper.

Let me just suggest to the amendment's sponsor that the results of the audit should be made public. I think that might help eradicate some of the confusion that has been discussed.

I think his amendment is a public service, and I support it.

Mr. GOSS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I do not oppose the amendment, but I resent the implication that the President did something wrong. And I would like to read.

''That's why I supported the Iraq thing. There was a lot of stuff unaccounted for. I thought the President had an absolute responsibility to go to the U.N. and say, 'Look, guys, after 9–11 you have got to demand that Saddam Hussein lets us finish the inspection process. I supported what he did going into Iraq. What I was far more worried about was that he'd sell this stuff or give it away. Same thing I've always been worried about North Korea's nuclear and al Qaeda, as well as North Korea giving away nuclear components.''

This is President Bill Clinton. And al Qaeda was there in Iraq. Al Qaeda had significant ties to that. Saddam Hussein paid people to blow themselves up in Israel and kill American citizens. So the implication that al Qaeda was not in Iraq I oppose. But I do not oppose going in and researching exactly what those were.

[From Time Magazine, June 28, 2004]

You know, I have repeatedly defended President Bush against the left on Iraq, even though I think he should have waited until the U.N. inspections were over. I don't believe he went in there for oil. We didn't go in there for imperialist or financial reasons. We went in there because he bought the Wolfowitz-Cheney analysis that the Iraqis would be better off, we could shake up the authoritarian Arab regimes in the Middle East, and our leverage to make peace between the Palestinians and Israelis would be increased.

At the moment the U.N. inspectors were kicked out in 1998, this is the proper language: there were substantial quantities of botulinum and aflatoxin, as I recall, some bioagents, I believe there were those, and VX and ricin, chemical agents, unaccounted for. Keep in mind, that's all we ever had to work on. We also thought there were a few missiles, some warheads, and maybe a very limited amount of nuclear laboratory capacity.

After 9/11, let's be fair here, if you had been President, you'd think, Well, this fellow bin Laden just turned these three airplanes full of fuel into weapons of mass destruction, right? Arguably they were super-powerful chemical weapons. Think about it that way. So, you're sitting there as President, you're reeling in the aftermath of this, so, yeah, you want to go get bin Laden and do Afghanistan and all that. But you also have to say, Well, my first responsibility now is to try everything possible to make sure that this terrorist network and other terrorist networks cannot reach chemical and biological weapons or small amounts of fissile material. I've got to do that.

That's why I supported the Iraq thing. There was a lot of stuff unaccounted for. So I thought the President had an absolute responsibility to go to the U.N. and say, ''Look, guys, after 9/11, you have got to demand that Saddam Hussein lets us finish the inspection process. You couldn't responsibly ignore [the possibility that] a tyrant had these stocks. I never really thought he'd [use them]. What I was far more worried about was that he'd sell this stuff or give it away. Same thing I've always been worried about North Korea's nuclear and missile capacity. I don't expect North Korea to bomb South Korea, because they know it would be the end of their country. But if you can't feed yourself, the temptation to sell this stuff is overwhelming. So that's why I thought Bush did the right thing to go back. When you're the President, and your country has just been through what we had, you want everything to be accounted for.

ON WHETHER THE IRAQ WAR WAS WORTH THE COSTS

It's a judgment that no one can make definitively yet. I would not have done it until after Hans Blix finished his job. Having said that, over 600 of our people have died since the conflict was over. We've got a big stake now in making it work. I want it to have been worth it, even though I didn't agree with the timing of the attack. I think if you have a pluralistic, secure, stable Iraq, the people of Iraq will be better off, and it might help the process of internal reform in Saudi Arabia and elsewhere. I think right now, getting rid of Saddam's tyranny, ironically, has made Iraq more vulnerable to terrorism coming in from the outside. But any open society is going to be more vulnerable than any tyranny to that.

Mr. KUCINICH. Mr. Chairman, I yield 45 seconds to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of this amendment, and I appreciate the remarks of our colleagues on the other side of the aisle because it is important to set the record straight, let the facts come out and see where everything was.

I would remind everybody that for a whole year, post–9–11, when intelligence people would come and brief our committee, I would ask what was the connection between al Qaeda and Saddam Hussein, and repeatedly their answer was none. In one case, one individual said there might have been, if we stretch it, one instance. But I think it is important that we get to the bottom of this. This is a right way to do it. This is something that the whole House should support, and I applaud the gentleman for offering it.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

I just want to thank all my colleagues for their perspectives as to why

this is a necessary amendment and comment that today that Admiral Stansfield Turner has also endorsed this amendment. I want to thank the chairman and ranking member for supporting it.

Mr. KUCINICH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

It is now in order to consider amendment No. 9 printed in House Report 108–561.

AMENDMENT NO. 9 OFFERED BY MR. SIMMONS

Mr. SIMMONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SIMMONS:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. REPORT ON USE OF OPEN SOURCE INTELLIGENCE.

Not later than 6 months after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress an unclassified report on progress made by the intelligence community with respect to the use of Open Source Intelligence (OSINT).

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from Connecticut (Mr. SIMMONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

□ 1945

Mr. SIMMONS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today to urge my colleagues to support my amendment, and I thank the Committee on Rules and the distinguished chairman of the Permanent Select Committee on Intelligence for endorsing this amendment. It is quite simple. It directs the Director of Central Intelligence to prepare over a 6-month period a report on the progress of open sources of intelligence.

Open-source intelligence refers to an intelligence discipline based on information collected from open sources, generally available to the public.

In the mid-1990s, it was my honor to command the 434th Military Intelligence Detachment, a U.S. Army reserve unit affiliated with Yale University and located in New Haven, Connecticut. With the active participation of Chief Warrant Officer Tompkins and Sergeant Eliot Jardines, our unit wrote the first handbook for open-source intelligence for the U.S. Army.

Today, Mr. Jardines has provided me with some interesting photographs that at first look like highly classified aerial photographs of the uranium enrichment facility in Iran, and it shows here the enrichment facility being built; and then in this photograph, it has been covered with dirt, and you can see a large security or perimeter fence around it.

A closer look at this aerial image again shows the construction of the enrichment facility and then how it has been buried in Iran, presumably to keep it a secret from the rest of the world.

These are not classified. These images were obtained from open sources; and the beauty of open source in this particular instance, Mr. Chairman, is that these images can be e-mailed around the country and around the world for others to look at them and to assist in the analysis process.

Why is open source so important? It is important because there is a vast amount of information available in the public sector. It can be shared. It can be shared with other countries. It can be transported without concern about classification.

Recently, the Joint Military Intelligence Training Center published an open-source exploitation guide. A few years previously, the ''Open-source Quarterly'' published additional information on how we can enhance our intelligence capabilities with open source, but this May the U.S. Army distributed FM 2–0 on intelligence, and they left open source out altogether. That is unfortunate, at a time when our intelligence performance is being questioned.

At a time when every scrap of information is needed to piece together the puzzle presented by terrorist operations, there could be no better time than to incorporate the value of OSINT to our overall intelligence product and make it available to our policymakers and our military forces.

I ask my colleagues to join me in supporting this important amendment.

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

The CHAIRMAN. Who seeks time in opposition to the amendment?

Ms. HARMAN. Mr. Chairman, I do not oppose the amendment, but I will control the time on this.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume, and I want the gentleman to know that I support his amendment.

For years the Permanent Select Committee on Intelligence has extolled the virtues of open-source reporting, as he calls it, OSINT. Often they are the most reliable form of intelligence available, as his charts illustrate. Yet, in spite of this, I believe the intelligence community has not invested sufficiently in open sources of information, and I am pleased that this amendment is being offered, and I think it improves the bill we are debating.

On that subject, Mr. Chairman, let me just return to an earlier conversation about full funding of counterterrorism. While we have been spending the last 4 hours on the floor, a letter was received from the DCI, George Tenet. It was addressed to me and to the gentleman from Florida (Chairman GOSS), and he states in his letter that he is planning to release it. It is a comment on the majority report language to the bill, and I just want to quote in part.

He says, this is a letter dated today: ''I find it hard to accept that any serious observer would believe, as the committee apparently does, that there is an unhealthy emphasis on counterterrorism and counterproliferation efforts or that we are placing too much emphasis supporting the Nation's Iraq effort at the CIA. I am deeply disappointed at the way the report has chosen to question the leadership and capabilities of the clandestine service.''

Now, these are the opinions of DCI George Tenet. I would just point out at this point in the debate that the minority was never consulted about the majority report. We filed our own report, and I would just like the record to reflect that these are the reactions of DCI George Tenet to portions of the majority report.

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

Mr. SIMMONS. Mr. Chairman, I yield 1 minute to my friend and distinguished colleague, the gentleman from Illinois (Mr. KIRK), who is also a naval intelligence officer.

Mr. KIRK. Mr. Chairman, I rise in support of the Simmons amendment. Unlike some other amendments in this bill that are offered for partisan advantage, this amendment is offered by a former CIA officer with detailed knowledge of how the U.S. intelligence community works. To my knowledge, there are only three current Members of Congress who work with the CIA: our chairman, the gentleman from Florida (Mr. GOSS), the author of this amendment; the gentleman from Connecticut (Mr. SIMMONS); and me, who is detailed to the CIA from navy intelligence.

This amendment seeks to change our intelligence culture to become more effective in the age of the Internet. Today, every two-bit terror organization in the world has a Web site broadcasting information on its activities. Internet news, political parties, and foreign government sites all offer new material to our intelligence community.

For years in the cold war, our enemies collected open-source data on us, but we were forced to collect secret data on them. That is now changing. There is a wealth of open-source data on our adversaries. Every analyst in the community should be encouraged to use as much current and accurate

open-source data as possible; and I applaud the gentleman, who knows the CIA so well, for offering this amendment to keep our culture up to date with the current technology.

Ms. HARMAN. Mr. Chairman, how much time is remaining on our side?

The CHAIRMAN. The gentlewoman from California (Ms. HARMAN) has 3 minutes remaining. The gentleman from Connecticut (Mr. SIMMONS) has 1 minute remaining.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of our committee.

Mr. HOLT. Mr. Chairman, I rise in strong support of the Simmons amendment. To set the record straight, there is on this side an alumnus of the intelligence community. I also used to work in the intelligence community, and I can assure my colleagues that the agencies make much less use of the wealth of open-source information than they could.

Open sources mean more than searching the Internet for printed material or extending the reach of the foreign broadcast information service. There are now commercial companies with high-quality imagery from satellites. There is mature technology for using commercial radio and television broadcasts as illumination sources to passively detect and track aircraft. These techniques could be used to augment air surveillance, for example. The Internet, as we are all aware, could be exploited for many intelligence purposes and so on.

There is much we could do. Last year, I sponsored in this very authorization bill a provision that required the intelligence community to report to us on how new approaches of open-source intelligence would be incorporated into intelligence products. Although that report is, I am told, in final coordination now, we still have not received it. So I think it is appropriate to put this language into the bill, not just report language, so that the intelligence community will make full use of open-source information.

Mr. Chairman, I commend my colleague once again this evening for his statement and offer strong support for the Simmons amendment.

Mr. SIMMONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from New Jersey for his very appropriate comments, and I am glad to hear that we share a mutual interest.

In closing, I would simply like to draw attention to a book called ''The New Craft of Intelligence,'' which focuses on open source. The distinguished chairman of the Senate committee made the comment in the preface, ''Secret intelligence alone cannot protect America.''

This amendment is designed to address that issue.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. GOSS), the distinguished chairman of the committee.

The CHAIRMAN. The gentleman from Florida is recognized for 30 seconds.

Mr. GOSS. Mr. Chairman, I rise in support, and associate myself with a distinguished member of the Permanent Select Committee on Intelligence who knows his stuff.

All-source intelligence sometimes gets confused with open-source intelligence. I think it is important to know that a huge percentage of all-source intelligence is open-source intelligence and is very valuable in the filters and the proper analysis. So I support the amendment.

Mr. Chairman, I also want to give notice that I am going to put at the proper time a statement of the Speaker of the House in the RECORD in support of this bill.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to reiterate my support for this amendment and point out one of the ironies, which is that our committee has been learning much of what it needs to do its oversight from open sources, rather than from the regular channels. I am glad we have open sources. Otherwise, we would have very little information. So that is just another reason why the gentleman's amendment is so useful, and I strongly support it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SIMMONS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SIMMONS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut (Mr. SIMMONS) will be postponed.

It is now in order to consider amendment No. 10, printed in House Report 108–561.

AMENDMENT NO. 10 OFFERED BY MR. REYES

Mr. REYES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. REYES:

At the end of title III, insert the following new section:

SEC. 304. REQUIREMENT FOR IMMEDIATE SUBMITTAL OF DOCUMENTS RELATING TO DETAINEES OF THE UNITED STATES.

(a) WITHHOLDING OF 25 PERCENT OF FUNDING FOR CERTAIN PROGRAMS.—25 percent of amounts otherwise available to carry out the functions or duties under the following programs may not be obligated or expended until the date on which all of the documents described in subsection (b) are submitted to the appropriate congressional committees:

(1) The Central Intelligence Agency Program.

(2) The Army Tactical Intelligence and Related Activities Program.

(3) The General Defense Intelligence Program.

(4) The Joint Military Intelligence Program.

(b) DOCUMENTS DESCRIBED.—The documents referred to in subsection (a) are all documents, including reports, correspondence, legal memoranda, and electronic communications related to the handling and treatment of detainees under the custody and control of the United States or individuals held on behalf of the United States in Iraq, Afghanistan, Guantanamo Bay, Cuba, and elsewhere.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(2) The Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

The CHAIRMAN. Pursuant to House Resolution 686, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 10 minutes.

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

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer an amendment to the Intelligence authorization bill aimed at getting the full story on the prisoner abuse issue at places such as Abu Ghraib and Afghanistan.

The abuses of Iraqi detainees at Abu Ghraib were reprehensible; I think we can all agree on that. Colleagues on both sides of the aisle have agreed on that, particularly after reviewing the now-infamous photos behind closed doors that were made available to us on Capitol Hill.

I am equally disturbed by the indictment of CIA contractor David Passaro, who allegedly assaulted a detainee at a detention facility in Afghanistan. This indictment is yet another sobering reminder that the detainee abuses were not limited to the Abu Ghraib prison.

Make no mistake: interrogations are critical to the war on terrorism. I know that; I respect that. They are one way of generating dots that might lead to the intelligence community, providing information on the next terrorist plot.

But the prisoner abuse issue and the broader issue of our interrogation policy is one that cries out for stronger congressional oversight. Congress has got to get that straight and has got to get the story and understand how interrogations may have gone off track. Anything short of that would be a breach of faith with the American public which expects us to conduct vigorous oversight on issues of importance such as this.

The intelligence community has been trying to get the straight story on Abu Ghraib. We have had five hearings thus far. But, frankly, the witnesses that have appeared before our committee have not been very forthcoming, in my opinion. Nor up until last night has the

Department of Defense been very forthright with key documents for the committee, documents that we have requested, including documents from the Defense Department, which they promised to provide to our committee.

Our sixth hearing was to be an all-day affair, the majority's chosen topic that day: the value of interrogations. While that is a legitimate area of inquiry, it is not what I would call hard-hitting oversight, nor would it have enhanced our understanding of the events that occurred at Abu Ghraib.

My amendment would strengthen oversight in the Intelligence authorization bill. It would hold the executive branch's feet to the fire by fencing a large sum of money until the committee received all the documents related to the handling and the treatment of detainees in Iraq, Afghanistan, Guantanamo Bay, and elsewhere. It is intended to underscore the seriousness of the prisoner abuse issue and the committee's determination to get the straight story. It will take the Department of Defense little time at all to comply with this request from our committee.

I offered this amendment during the committee's consideration of this bill. Although the amendment was defeated on straight party lines, I am pleased to report that yesterday the Department of Defense finally, finally, sent over a large batch of documents on interrogation policy.

It included many of the documents that the Permanent Select Committee on Intelligence was seeking, but not all of them. For example, it did not include the standard operating procedures for Guantanamo Bay which Major General Jeff Miller promised the committee; and it did not include documents related to interrogation policy in Iraq, signed by Lieutenant General Sanchez.

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Nor does it include Brigadier General Karpinski's December 2003 response to the Red Cross.

This authorization bill needs to be stronger on oversight. We need to do our job properly. We should not fall for the administration's selective provision of documents simultaneously released to us and to the media.

The majority's report language called this amendment a petty action masquerading as a good gesture. Petty or not, this amendment and other actions generated pressure that yielded results, which is more than a few hearings have accomplished to date.

I believe that there is more to the interrogation story, like the revelation last week that Secretary Rumsfeld ghosted a detainee at the request of CIA Director Tenet in direct conflict of testimony presented to our Permanent Select Committee on Intelligence.

For this and many other reasons that we have well documented, I urge my colleagues to support this amendment.

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

Mr. GOSS. Mr. Chairman, I seek time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. GOSS) is recognized for 10 minutes.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

This particular amendment was given very careful consideration in the committee, and it was voted down. We will have some reasons, and I am going to yield in a few minutes to the gentleman from Nevada (Mr. GIBBONS), not yet, to explain some of them, as the chairman of our Subcommittee on Human Intelligence, Analysis, and Counterintelligence.

But I think its it is important to note that our committee has really led, I think, very responsibly in the area of oversight. We have had, I believe it is five hearings now; we have something like close to 7,000 pages in seven or eight different categories. We are getting full cooperation. I do not understand exactly why it is there is a feeling that we need to go forward and shut down the money to the people who are carrying the war on terrorism because we feel they we are not getting enough cooperation. If we got much more cooperation, I would not have any staff available to prepare this bill, we have so many documents to work with. So there is no question that the oversight is being done.

I think to say this was a petty gesture posing as a grand gesture or whatever the language was is not off-base. It is unnecessary. I think we hashed this out in our committee, and I am sorry it has come back again. We are doing our job.

Now, before I yield to the gentleman from Nevada (Mr. GIBBONS), I do need to point out that, indeed, I just received the mail, my mail apparently does not come in quite as rapidly, but I too got the letter from Director Tenet; and it appears that Director Tenet is also having a problem with his mail, because he is referring here to language in a draft that is no longer relevant in making a complaint about language that does not exist.

It is true that in our report, and I will be happy to read on page 23 the offending language. The offending language is this: ''The CIA must collect against all types of targets needed to gain the insights and the plans and intentions of our adversaries, be they terrorists, political, economic, military in nature. Countering the threat from terrorism is, of course, and should be at the top of the CIA's list of collection priorities, but the Central Intelligence Agency must continue to be much more than just a ''central counterterrorism agency'' if America is to be truly secure, prosperous, and free.

I do not think anybody disagrees with that. We have weapons of proliferation, we have counternarcotics efforts, we have racketeering, things going on. What we are saying here is what every member of the committee knows, that we have insufficiency of capability in the intelligence community to do all the tasks we need to protect America from all of the threats that are out there. And I quite agree that that is a matter that we have all expressed concern on, and that is what we have done.

I think for the Director to come back and suggest that there is an unhealthy emphasis on counterterrorism is a stretch; and I think he has had bad staff work, and I hope he takes care of it.

The second thing I would point out in the same letter is something that we have reported on today, and I am quoting: ''The damage done by inattention to the clandestine service during the first half of the 1990s cannot be repaired in the blink of an eye.''

We all know that. We all know we have an insufficiency problem, and we all understand that we have a threat that is serious and that we are trying to deal with it, and this bill builds back capability to deal with it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I thank the chairman for yielding me this time.

I rise in strong opposition to the amendment of my good friend, the gentleman from Texas (Mr. REYES), not only for what it says, but for what it does as well.

This amendment would withhold funding to the men and women of the intelligence community at the very time when they are engaged in the global war on terror. Let us be clear, Mr. Chairman, about what this amendment really does. They say it fences, but it really cuts, and I will explain that in a minute, it cuts vital intelligence funding. This is not just another innocuous document request.

This amendment cuts 25 percent of the funding going to our most critical intelligence program until Congress receives all of the documents relating to detainees in Iraq, Afghanistan, Guantanamo Bay, and elsewhere. The amendment does not name which documents; it just says all of the documents. That is as open-ended a question as any request could be, and I dare say that it would be impossible to ever satisfy that request.

What is really happening here is an attempt to play politics with intelligence funding at a time when we are at war. It is stunning to me to see this sort of thing happening. It is not right, and it should not happen. We should not be cutting off the funds for these agencies.

This is not the time to play politics or to be withholding intelligence funding. The ranking member says she is for more intelligence funding, and I believe that; yet she and her colleagues supported this measure in committee. It seems to me that if they were serious about the funding of the war on terrorism, they would not be offering this amendment.

American intelligence collectors and soldiers are under constant fire in Iraq, Afghanistan, and yes, elsewhere; and American civilians are being kidnapped and beheaded in gruesome videotaped ceremonies, and all the while this is happening, the opposition wants to withhold intelligence funding.

Mr. Chairman, the idea that someone is trying to hide documents from Congress or that the administration is stonewalling and is not providing the documents is foolishness. The committee has received excellent cooperation to date from the Defense Department and the CIA. This is just petty politics masquerading, as they say, as a grand gesture.

Here are the facts: earlier this month, the committee made an official request to Secretary Rumsfeld for the documents. That request, which was signed by both the HPSCI chairman and ranking member, is being honored. We have received thousands upon thousands of pages of documents, including the Miller report, the Ryder report, the Taguba report, and the Army's official interrogation manual.

Just yesterday, we received hundreds of pages of documents that included Presidential memos on al Qaeda and Taliban detainees, and internal DOD memoranda and Justice Department legal documents. We are getting the documents as fast as they can be gathered and forwarded to us.

The committee has held five, yes, five full committee meetings thus far on the detainee hearing. Our sixth hearing, the most substantial we have planned for to date, was scheduled for the same day as the Reagan funeral, so we had to reschedule it for July 13, 2004. But that hearing is going forward and will be an all-day affair, with three separate panels and some very senior people to talk to us about the detainee policy and procedures.

Mr. Chairman, we are getting the documents we requested. Let me also add that, as I said before, we have had a total of 63 different hearings on this between the Senate and the House on this issue. I think we are getting excellent cooperation. If we ask much more of these people on this issue, they will not be able to fight the war on terrorism; they will have to be here defending their position on this issue day in and day out.

This amendment is unnecessary, and it would only hurt the brave men and women who are out there trying to protect us.

Mr. Chairman, I ask all Members to oppose this amendment.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

I would remind my colleague that we have provided a specific list of documents that we required that have not been complied with. And as to giving them to us as quickly as they possibly can, how long does it take to have somebody copy the interrogation procedures of Guantanamo Bay and provide them to the committee? It takes at the most maybe a day, so they have not been forthcoming.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

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

Mr. GOSS. Mr. Chairman, what is the list the gentleman is referring to? The letter that the gentlewoman from California (Ms. HARMAN) and I have written we have had response to, and we are getting more response. What list is the gentleman referring to, may I ask?

Mr. REYES. Mr. Chairman, we have a comprehensive list of documents that have been put together. I will be glad to furnish it to the chairman.

Mr. GOSS. Mr. Chairman, if the gentleman will yield, is this a list that the committee has taken action on that has not been responded to?

Mr. REYES. Mr. Chairman, this was a list that we compiled of documents that were promised to us through the hearing process.

Mr. GOSS. May I ask who compiled the list? Who signed this request?

Mr. REYES. It was signed by the committee staff based on questions that we had and documents that had been provided.

If I may reclaim my time, Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. DICKS), my good friend and colleague and the former ranking member of this committee.

Mr. DICKS. Mr. Chairman, first of all, I want to rise in support of the Reyes amendment. I wanted to go back to the Rogers amendment just for a second, and I wanted to compliment the ranking member for opposing it.

Mr. Chairman, I served on the committee from 1990 to 1998. There was an understanding at the end of the Cold War, this was during the first Bush administration, that we were going to cut Defense by about 30 percent, 33 percent, but intelligence would be protected and held at about a 10 percent cut. It was believed that everything within this Defense budget should be reduced at that point in time.

So this was the policy laid down by DICK CHENEY and Colin Powell. This created the base for us, and when the new administration came into office in 1993, Jim Woolsey was the head of the CIA, and he felt that they had to make some contribution. But we protected Intelligence. We protected it at the time.

So the gentleman's information, the gentleman from Michigan's information, here is inaccurate; and I think it is too bad, really, that this is in these findings, because we all want to support the intelligence community tonight. But I could not support these findings. I could not ask one single Member of the Democratic Party to support these findings, because they are inaccurate. They are not correct, and they are distorted. Also, I thought we had a rule around here that we are not supposed to disclose intelligence information. I guess percentages do not count, but saying that the budget was cut a certain percentage, I think, is a mistake, and to acknowledge that publicly is a mistake.

So I just wanted to stand up here tonight and say this: the Reyes amendment is about not getting to the bottom of this. I remember when my good friend, the gentleman from Florida (Mr. GOSS), and I were on the committee together. We had every investigation imaginable into the Clinton administration. One could not think up something that we did not investigate. We went along with that, because we felt that doing the investigations was the right thing.

Now, on this one, guys, if we do not get to the bottom of this Guantanamo Bay and Iraqi prison thing, and if we do not insist that we get the information, I will be up here with a resolution of inquiry to demand that these Departments disclose this information.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

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

Mr. GOSS. Mr. Chairman, I thank my distinguished friend and colleague for yielding. I guarantee, if the gentleman came up and took a look at the record of what we are doing, have done and are continuing to do, you would be proud that the committee is doing oversight properly.

Now, I would also like, if the gentleman will allow me, to quote from the Director of Central Intelligence a letter.

Mr. DICKS. Mr. Chairman, I want to take back my time. The gentleman has time on his own now, and he can use his own time.

The CHAIRMAN. The gentleman's time has expired. The gentleman from Texas (Mr. REYES) has 1 minute remaining and the gentleman from Florida (Mr. GOSS) has 1½ minutes remaining.

Mr. REYES. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Florida has the right to close.

Mr. REYES. Mr. Chairman, I yield 45 seconds to the gentlewoman from California (Ms. HARMAN), the distinguished ranking member.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I strongly support his amendment. I supported it in committee; I support it now.

We have not had full cooperation from the administration. We have not had candid testimony from witnesses. I would not say that this is a petty gesture. I think it is a profound gesture to insist that the oversight prerogative of our committee be respected and that the rule of law always apply to the interrogation of prisoners.

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Mr. REYES. Mr. Chairman, in closing I would like to remind our colleagues that Members on both sides of the aisle were exasperated many, many times

because if we did not ask the right question or just the exact question, we were not provided the information that was requested.

Secondly, how many times have we held hearings and the day or weekend later we open up the newspaper and there is a conflicting story in there about information that we had been provided in the meeting.

So it is about our responsibility to do our oversight, it is about our responsibility to do this job right. I urge all Members to support this amendment.

Mr. Chairman, I yield back my time.

Mr. GOSS. Mr. Chairman, I want to respond just to my good friend the gentleman from Washington (Mr. DICKS) by giving you a statement that we just received from the Director of Central Intelligence. I just saw it. I read it a minute ago. ''The damage done by inattention to the clandestine service during the first half of the 1990s cannot be repaired in the blink of an eye. It was severe.''

Now, the problem is you want it both ways. You said it was protected. Actually, the administration did a pretty good job of trying to protect the administration. It was the democratically controlled Congress that cut the budget as we have pointed out earlier in this debate.

I will not defend or get involved in the Rogers amendment right now because we are talking about another amendment. But I will hold this up because this is why the problem exists. The promise was broken.

I quote, ''Now that that struggle, the Cold War, is over, why is it that our vast intelligence apparatus continues to grow?'' Now, that kind of statement just before no votes on supporting the intelligence community happens to have been made by such distinguished Members of the Congress as Senator JOHN KERRY. That was in May of 1997 from the RECORD. I got books full of that stuff. There is no doubt where the RECORD is. The Democratic party did not support the intelligence community.

If I said anything incorrect, I would be very happy to allow my colleague the opportunity on some other time to correct it, because he did not allow me to correct that.

But I will say that I think that we have covered the point that the gentleman from Texas (Mr. REYES) has asked. Is the letter that he is referring to is the letter that was signed only by minority Members? Is that the letter my colleague is referring to?

PREFERENTIAL MOTION OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. DICKS moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes in support of his preferential motion.

Mr. DICKS. Mr. Chairman, I want to take very strong exception to what the chairman of this committee, who I consider to be a personal friend, said to attack the Democrats in this House. And I was the ranking member of this committee for 4 years from 1994 to 1998. And we had bipartisan support for intelligence. And I think this is wrong to try to go back now and say after the Cold War was over, and there were some efforts, and it was first by the Bush administration, to reduce the money for defense. I mean, DICK CHENEY was one of the biggest budget hawks and cutters on defense. He cut the B–2, he tried to get rid of the V–22, the F–15, F–16. One can go right down the list.

Colin Powell was the chairman of the Joint Chiefs. They had what they called the base force which was one-third less than the size of the existing force. And as part of this downsizing, the intelligence community was cut by 10 percent.

That was the policy of the first Bush administration that was inherited by the Clinton administration. And I must say during the years that I was on the committee under Dan Glickman as chairman and Larry Combest and the gentleman from Florida (Mr. GOSS) as chairman, we were able to work on a bipartisan basis. And we supported intelligence. Now, we did not throw money at it. We tried to make sure that we invested wisely. We had to modernize all of our national technical means. But this was done on a bipartisan basis.

I am very sorry to see this breakdown this year, for the first time to see the partisanship enter into this. Because I do not think it is in the best interest of our Congress or our national security, and especially at a time when we are in a war-time situation. But to attack the Democrats, I say to the gentleman from Florida (Mr. GOSS), I think is uncalled for.

Ms. HARMAN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentlewoman from California.

Ms. HARMAN. Mr. Chairman, I commend his service to the Congress and to the other body when we were both staffers. And I share his heat. I was standing on this floor just half an hour ago or so saying we all got it wrong. Mentioning the fact that starting in the first Bush administration and continuing in the early part of the Clinton administration, unfortunately, we disinvested in some critical parts of our intelligence and defense because we thought the world was safer.

And to see the chairman of this committee, my friend, the gentleman from Florida (Mr. GOSS), distort the record on the floor of the House is really surprising to me, stunning to me. I do not believe we on this side have done that. I think we have fairly shared across many administrations the mistakes that were made.

As my colleague from Florida has pointed out many times, Mr. Chairman, what changed at 9/11 was the audience. Then, finally, there was the political will to act in ways that many of us on a bipartisan basis thought were the correct ways way before 9/11. I commend the gentleman from Florida for thinking they were correct before 9/11. But, sadly, four hours of debate is reaching a very sorry end here.

The facts are the facts. The record should be accurate. And we on this side are trying to create an accurate record. And one of the things we have been urging is full funding of counterintelligence in this budget and that counterintelligence, the facts will show, is not fully funded.

Mr. DICKS. Mr. Chairman, I have to use the time. Again, I just want to say that during the time I was on the committee, we tried to do the best we could for the Permanent Select Committee on Intelligence and the intelligence community, we supported it. I am very proud of the record that was achieved, was done on a bipartisan basis. I hope we can go back to that.

I know it is painful when your person is in the White House and you have to defend the administration and you want to fend off all these investigations, I can just tell my colleague this, we investigated everything under the sun when Bill Clinton was at the White House because the majority party insisted on it. Now, when it is their person as President of the United States, they are not so excited about investigations and getting all this information. But I think it is important for the American people that we do get the information, that we do find out about these detainees, and that we do get in information in a timely way.

If they are going to stonewall, then we will have to use other tactics like a resolution of inquiry to get the information from the Department of Defense.

The CHAIRMAN. Does any Member claim time in opposition to the motion?

The gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Chairman, I did not make any comment or hold up this quote from the CONGRESSIONAL RECORD that indicates that Senator KERRY had doubts about intelligence to be combative or confrontational or to be insensitive or to in any way offend my colleagues on the other side.

Obviously, people like the gentleman from Washington (Mr. DICKS) have done a fabulous job over the years on a bipartisan basis. When he was in the majority he did that, and I am certain to say that. My comment is that when there was opposition to intelligence and year after year efforts to cut the intelligence budget, they did come from the Democratic side through the period of the 1990s.

I have the material here. I do not want to bore my colleague with it or embarrass him with it, but vote after vote after vote. If he would like to see it, come on over. If he wants me to

read it into the RECORD, I will read it into the RECORD, however he likes.

The fact is that all the people who knew about intelligence worked together to make it work. And we succeeded. And that was a good thing. We did not succeed well enough.

Now, we can argue all day long and say because it was the Democratic leadership in the House or the Republican leadership in the House or so forth or because it was President Clinton did not care or did care, however you are going to characterize it, we could debate that all day long.

The facts are that the cutting amendments to intelligence came from the Democratic side of the aisle and were supported over the decade of the 1990s by large numbers of Democrats. That is all I am trying to convey.

I thank God for the Democrats who saw the light and supported the Intelligence Community, as I do now, and I see no reason why we cannot continue. I was trying to refer, perhaps in a hurried way, to the CONGRESSIONAL RECORD. As I say, I am happy to share it. I have no bones to pick, and I am not trying to create any kind of a firestorm or throw red meat out to the gentleman from Washington. I do not think this serves any further purpose. I hope he accepts my explanation.

The CHAIRMAN. The question is on the preferential motion by the gentleman from Washington (Mr. DICKS).

The preferential motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REYES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. REYES) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 3, as modified, offered by the gentleman from New York (Mr. BOEHLERT), amendment No. 4 offered by the gentleman from Texas (Mr. SAM JOHNSON), amendment No. 5 offered by the gentleman from Michigan (Mr. ROGERS), amendment No. 7 offered by the gentleman from Connecticut (Mr. SHAYS), amendment No. 8 offered by the gentleman from Ohio (Mr. KUCINICH), amendment No. 9 offered by the gentleman from Connecticut (Mr. SIMMONS), and amendment No. 10 offered by the gentleman from Texas (Mr. REYES).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3, AS MODIFIED, OFFERED BY MR. BOEHLERT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from New York (Mr. BOEHLERT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 335, noes 83, not voting 15, as follows:

[Roll No. 291]

AYES—335

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Watson
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—83

Abercrombie
Allen
Baldwin
Becerra
Berkley
Blumenauer
Brown (OH)
Capps
Capuano
Conyers
Costello
Cummings
Davis (IL)
Delahunt
DeLauro
Doggett
Emanuel
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hinchey
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kilpatrick
Kleczka
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Maloney
Markey
McCollum
McGovern
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Paul
Payne
Rahall
Roybal-Allard
Rush
Sabo
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Strickland
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Woolsey

NOT VOTING—15

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Moran (VA)
Rangel
Tauzin
Weiner

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. KLINE) (during the vote). Members are advised they have 2 minutes remaining in this vote.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). The Chair would advise Members to check their votes on the voting board to rule out a potential discrepancy between one of the voting stations and the board.

□ 2055

Mrs. MALONEY, Messrs. NADLER, PASTOR, CONYERS, Ms. KILPATRICK, Mrs. CAPPS, Messrs. JACKSON of Illinois, ALLEN, NEAL of Massachusetts, MICHAUD, Ms. DELAURO, Messrs. THOMPSON of California, LYNCH, BROWN of Ohio, LEVIN, DOGGETT, TOWNS, STRICKLAND, DELAHUNT, LARSON of Connecticut, MEEHAN, INSLEE, Ms. WOOLSEY, Mr. RUSH, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Messrs. VAN HOLLEN, PASCRELL, Ms. SOLIS, Mrs. NAPOLITANO, Messrs. SCOTT of Virginia, RAHALL, EMANUEL, Ms. MILLENDER-MCDONALD, Ms. BERKELEY, and Messrs. DAVIS of Illinois, KANJORSKI and KLECZKA changed their vote from ''aye'' to ''no.''

Messrs. SANDLIN, GRAVES, and BAIRD changed their vote from ''no'' to ''aye.''

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. SAM JOHNSON OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SAM JOHNSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 366, noes 51, not voting 16, as follows:

[Roll No. 292]

AYES—366

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—51

Abercrombie
Baldwin
Blumenauer
Capuano
Conyers
Cummings
Delahunt
DeLauro
Dicks
Doggett
Farr
Filner
Frank (MA)
Grijalva
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kleczka
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Maloney
Markey
Matsui
McCollum
Millender-McDonald
Miller, George
Nadler
Owens
Pastor
Payne
Schakowsky
Scott (VA)
Serrano
Slaughter
Solis
Stark
Stupak
Tauscher
Thompson (CA)
Tierney
Velázquez
Waters
Watson
Watt
Woolsey

NOT VOTING—16

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
Linder
McDermott
Moran (VA)
Rangel
Tauzin
Weiner

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2103

Mr. PALLONE changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. ROGERS OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. ROGERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 195, not voting 16, as follows:

[Roll No. 293]

AYES—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof

Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
Kolbe
McDermott
Moran (VA)
Rangel
Tauzin
Weiner

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2110

Mr. WEXLER changed his vote from ''aye to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. MORAN of Virginia. Mr. Chairman, on rollcall No. 293, I was unavoidably detained off the Hill. Had I been present, I would have voted "no."

AMENDMENT NO. 7 OFFERED BY MR. SHAYS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 0, not voting 14, as follows:

[Roll No. 294]

AYES—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher

Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin
Weiner

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2116

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 343, noes 76, not voting 14, as follows:

[Roll No. 295]

AYES—343

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hayes
Hayworth
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kirk
Kleczka
Kline
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—76

Aderholt
Akin
Baird
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Burgess
Cannon
Cantor
Carter
Collins
Culberson
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Everett
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Granger
Hart
Hastings (WA)
Hensarling
Herger
Hostettler
Houghton
Hunter
Hyde
Jenkins
Johnson, Sam
Kelly
King (NY)
Kingston
Knollenberg
Lewis (KY)
Lucas (OK)
McCrery
McKeon
Mica
Miller (MI)
Murphy
Musgrave
Neugebauer
Oxley
Petri
Putnam
Radanovich
Rogers (AL)
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Shadegg
Shaw
Sherwood
Souder
Tancredo
Taylor (NC)
Thornberry
Wamp
Weldon (FL)
Whitfield
Wilson (SC)

NOT VOTING—14

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin
Weiner

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2123

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. SIMMONS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. SIMMONS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 1, not voting 15, as follows:

[Roll No. 296]

AYES—417

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr

Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Abercrombie

NOT VOTING—15

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin
Terry
Weiner

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2130

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. REYES

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. REYES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 270, not voting 14, as follows:

[Roll No. 297]

AYES—149

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berry
Bishop (GA)
Blumenauer
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Clyburn
Conyers
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—270

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller

Whitfield	Wilson (SC)	Young (AK)
Wicker	Wolf	Young (FL)

NOT VOTING—14

Bereuter	DeMint	McDermott
Berman	Deutsch	Rangel
Buyer	Gephardt	Tauzin
Carson (IN)	Hastings (FL)	Weiner
Clay	Israel	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2137

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 686, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the committee of the whole?

Ms. HARMAN. Mr. Speaker, I demand a revote on the SAM JOHNSON of Texas amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

PARLIAMENTARY INQUIRY

Mr. SAM JOHNSON of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SAM JOHNSON of Texas. Mr. Speaker, even though our soldiers have been indicted and the President has released all his records, I would like to know if we can compare the votes of those who voted for against those who voted against.

POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, even though the President has released all his records, I would like to ask, would we be able to compare the votes of those who voted for and those who vote against now?

POINT OF ORDER

Mr. FRANK of Massachusetts. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The Chair could not hear due to another inquiry being made from the Chair's right. The gentleman from Texas may state a parliamentary inquiry.

Mr. SAM JOHNSON of Texas. Mr. Speaker, can we take a look and compare the votes of those who voted for the amendment the first time against those who voted for the amendment the second time?

The SPEAKER pro tempore. Members may take their own cognizance of such matters.

The gentleman from Massachusetts (Mr. FRANK) is recognized on his point of order.

Mr. FRANK of Massachusetts. Mr. Speaker, I withdraw the point of order, because the point of order no longer lies, the phraseology having been withdrawn.

The SPEAKER pro tempore. The Clerk will redesignate the amendment on which a separate vote has been demanded.

The Clerk redesignated the amendment.

The text of the amendment is as follows:

Amendment:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS THAT THE APPREHENSION, DETENTION, AND INTERROGATION OF TERRORISTS ARE FUNDAMENTAL TO THE SUCCESSFUL PROSECUTION OF THE GLOBAL WAR ON TERROR.

(a) FINDINGS.—The Congress finds the following:

(1) Throughout the 1980s and 1990s, the people of the United States were too often brutalized again and again by deadly terrorist violence, as evidenced by the hundreds of American deaths in the Beirut and Lockerbie bombings, the attack on the World Trade Center in 1993, the destruction of the Khobar Towers military barracks, the bombing of the American embassies in Kenya and Tanzania, and the vicious attacks on the USS *Cole* in 2000.

(2) The terrorist violence targeted against the United States became more emboldened after each attack, culminating in the deadly attacks on the World Trade Center and the Pentagon on September 11, 2001, which killed thousands of innocent Americans, including innocent women and children.

(3) Since September 11, 2001, the citizens of the United States have remained the priority target of terrorist violence, with journalists and employees of non-governmental organizations being held hostage, tortured, and decapitated in the name of terror.

(4) Congress has authorized the President to use all necessary and appropriate means to defeat terrorism; and on numerous occasions since September 11, 2001, and throughout the Global War on Terror, the interrogation of detainees has yielded valuable intelligence that has saved the lives of American military personnel and American citizens at home and abroad.

(5) The interrogation of detainees has also provided highly valuable insights into the structure of terrorist organizations, their target selection process, and the identities of key operational and logistical personnel that were previously unknown to the Intelligence Community.

(6) The lawful interrogation of detainees is consistent with the United States Constitution.

(7) The abuses against detainees documented at Abu Ghraib prison in Iraq were deplorable aberrations that were not part of United States policy and were not in keeping with the finest traditions of the United States military and the honorable men and women who serve.

(8) The loss of interrogation-derived information would have a disastrous effect on the Nation's intelligence collection and counterterrorism efforts and would constitute a damaging reversal in the Global War on Terror during this critical time.

(9) The apprehension, detention, and interrogation of terrorists are essential elements to successfully waging the Global War on Terror.

(10) The interrogation of detainees can and should continue by the United States within the bounds of the United States Constitution and the laws of the United States of America.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental to the successful prosecution of the Global War on Terror.

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

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

RECORDED VOTE

Ms. HARMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent to make this a 5-minute vote.

The SPEAKER pro tempore. The Chair cannot entertain that request.

The vote was taken by electronic device, and there were—ayes 304, noes 116, not voting 14, as follows:

[Roll No. 298]

AYES—304

Aderholt	Boswell	Cooper
Akin	Boucher	Cox
Alexander	Boyd	Cramer
Andrews	Bradley (NH)	Crane
Baca	Brady (TX)	Crenshaw
Bachus	Brown (SC)	Crowley
Baird	Brown-Waite, Ginny	Cubin
Baker	Burgess	Culberson
Ballenger	Burns	Cunningham
Barrett (SC)	Burr	Davis (CA)
Bartlett (MD)	Burton (IN)	Davis (FL)
Barton (TX)	Calvert	Davis (TN)
Bass	Camp	Davis, Jo Ann
Beauprez	Cannon	Davis, Tom
Bell	Cantor	Deal (GA)
Berry	Capito	DeFazio
Biggert	Cardin	DeLay
Bilirakis	Cardoza	Diaz-Balart, L.
Bishop (GA)	Carson (OK)	Diaz-Balart, M.
Bishop (NY)	Carter	Dooley (CA)
Bishop (UT)	Case	Doolittle
Blackburn	Castle	Dreier
Blunt	Chabot	Duncan
Boehlert	Chandler	Dunn
Boehner	Chocola	Edwards
Bonilla	Coble	Ehlers
Bonner	Cole	Emerson
Bono	Collins	Engel
Boozman		English

Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—116

Abercrombie
Ackerman
Allen
Baldwin
Becerra
Berkley
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Clyburn
Conyers
Costello
Cummings
Davis (AL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hinchey
Hinojosa
Hoeffel
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kleczka
Kucinich
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Rahall
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—14

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Fossella
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2157

Mr. NEY changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PETERSON OF MINNESOTA

Mr. PETERSON of Minnesota. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PETERSON of Minnesota. I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Peterson of Minnesota moves to recommit the bill H.R. 4548 to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendment:

At the end of title I (page 8, after line 4), insert the following new section:

SEC. 105. INCREASE IN AUTHORIZATION OF APPROPRIATIONS TO FULLY FUND THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

(a) INCREASE.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence and intelligence-related activities of the elements listed in such section for the Contingency Emergency Reserve, as specified in the classified Schedule of Authorizations referred to in section 102, are increased 100 percent, and such classified Schedule of Authorizations is modified accordingly.

(b) USE FOR COUNTERTERRORISM ACTIVITIES OF THE INTELLIGENCE COMMUNITY.—Amounts appropriated pursuant to the increase in authorization of appropriations under subsection (a) may only be used for counterterrorism activities of the intelligence community.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. HARMAN), the ranking member of the committee.

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

I want to explain to this House my request for a re-vote on the Johnson of Texas amendment. Like the gentleman from Texas (Mr. SAM JOHNSON), I believe that interrogations within the rule of law are essential to protect American lives. However, clause 7 of his amendment, upon rereading, I think was a bit difficult for many of us. It says, ''the abuses were not part of United States policy,'' and I think that statement is premature until we review all of the documents and get additional testimony on the matter. That is why I requested another vote.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

The motion to recommit includes the 100 percent funding for counterterrorism that we have talked about on this floor probably more than some of my colleagues want to hear about. But we are very concerned about this, and we are offering that again in this motion to recommit.

I want everybody to be clear what is happening here. We kind of put the cart before the horse. Yesterday we passed the Defense appropriation bill, which had the money in it for these items. Today we are doing the authorization. This is not the way we should be doing things. We have the cart before the horse, if you will.

One of the reasons that we are doing this on this side is because we were not really in the loop on these negotiations that took place where they made the deal between the different committees to come up with these amounts. The staff was involved in some of the discussions, but the members were not. We did not get the final thing until about a day before the markup, and during this process, our staff had told the other side that we wanted 100 percent funding for counterterrorism, and it was not in the bill, so we offered this amendment.

□ 2200

And that is the spirit of what we are trying to accomplish here. And folks need to understand that the agencies have come in and asked us for a certain amount of money for counterterrorism. And what is in this bill is about one-third of what was asked for.

Now, to go through the list, for example, there is only 5 percent in this bill for the NRO, 19 percent for NSA, 26 percent for NGA, and 35 percent for the

CIA. So they put the most money into the CIA, but in this bill, it is 11.1 percent less money in 2005 for the CIA than it was in 2004. So that is what is in this bill.

Now, obviously, everybody is going to know we are going to have a supplemental to try to plus that up. But the problem is that these agencies only have the money for the first 3 or 4 months, and we are not going to get that supplemental done until later. And there is going to be a gap. And that is a problem. Because the folks in the country expect us to be focused on terrorism, to put our emphasis on counterterrorism. And we do not think this bill gets us to where it needs to be.

We do not want to be in this position. We try to work these things out. But, frankly, we did not have the opportunity to work it out the way it happened through the committee process. So we are here this evening, asking your support to fund what the agencies say they need so we have 100 percent of the money available for counterterrorism to do what needs to be done to protect the people of this country.

Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL) who has worked with me on this amendment.

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

Mr. BOSWELL. Mr. Speaker, it has been an interesting process. I look over there at people I have a lot of confidence in, the gentleman from Illinois (Mr. LAHOOD) and the gentleman from California (Mr. CUNNINGHAM) and many others, and the gentleman from Florida (Mr. GOSS). There are things that we have said that we really have wanted to do over this process was to plus up the money for counterterrorism, simple as that.

I say to the chairman, I really thought that would go. I realize he did not have a lot of warning, but I did not think it took a lot to do. When we went to the Committee on Rules yesterday, and we made our presentation there, I said clearly, and the ranking member agreed, I did not care who got the name on this thing. It did not make any difference. If the chairman of the Committee on Rules wanted it, we did not care. But we thought for the good of the country we needed to plus-up the counterterrorism.

Because the threat is out there. We are told about it all the time. We think about three major events that are coming up. And I even shared a little bit with one of my grandchildren what I would do if they wanted to go to one of those.

Now, the country is in peril. We got a lot going for us, I do not need to start that argument, but all we wanted to do was to plus-up counterterrorism and make it more viable and make it happen for the safety of this country.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. GOSS) for 5 minutes.

Mr. GOSS. Mr. Speaker, I hope not to use all my time. It is late. We have had a long day. We have a heavy legislative day tomorrow. I simply want to give Members my side of this, the committee's side of this.

We have debated extensively. I guess I will start from the point that we have complaints from the other side of the aisle that we are not spending enough money in intelligence for the war on terrorism is a declaration of success that we have succeeded in getting the message across that we have a war on terrorism that we need it to fund and intelligence is important.

Because last year we lost a lot of Democrats on the authorization bill. And this year I hope we do not lose any. Because I can tell my colleagues about this bill. I rise in opposition to the motion to recommit because the bill takes care of our needs. We do provide for the funding for the war on terrorism. It exceeds the President's February request by 16 percent. It exceeds by hundreds of millions, I cannot tell Members the exact number, but hundreds of millions. It is a lot of money.

The intelligence appropriation for 2004, 2004 does not end until October. Even when you include in the 2004 the supplemental, it is still more. This bill has been coordinated with the House Committee on Armed Services. We have had testimony to that effect today from the gentleman from California (Mr. HUNTER), the chairman, the House Committee on Appropriations; we have had testimony today from the gentleman from California (Chairman Lewis) and from the gentleman from Florida (Chairman YOUNG) of the full committee. Their bills had bipartisan support. And, as we all know, the bill of the gentleman from California (Mr. LEWIS) passed yesterday with strong bipartisan support.

This bill authorizes more funds than the defense appropriations bill, which was voted on yesterday, but not many more. So there is not a bunch of hollow dollars in it. There are a few. But I will say that if you voted yesterday for the appropriation, there is no excuse not to vote for the authorization today.

Now, when I came out here today, I was a little concerned that my biggest problem was going to be selling to some of my colleagues that this is the largest intelligence authorization in history. It is the largest intelligence authorization in history. It is supported by the administration as the right bill, it is coordinated properly. We are prepared to do business with the Senate, which has passed their bill on a unanimous bipartisan vote. I think we have done our job well. And I hope that our colleagues on both sides of the aisle can see that.

Mr. Speaker, I yield to the distinguished Speaker of the House.

Mr. HASTERT. Mr. Speaker, I know the gentleman from Florida has made his case. And before we go to vote on this and then into final passage of this bill, I just wanted to salute the gentleman from Florida. He has many great years of service as chairman of this committee.

This is the last intelligence authorization that the gentleman from Florida will handle. He is retiring at the end of this year. We salute him as a great Member of this body and a great patriot. We thank him for his service.

Mr. GOSS. I thank the Speaker.

I am sufficiently embarrassed to say I very much appreciate that and I am going to sit down. I hope that the applause on the other side of the aisle was for the right reason. And I thank my colleagues, and I urge support of the bill and oppose the motion to recommit.

The SPEAKER pro tempore (Mr. ISAKSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. PETERSON of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of final passage.

The vote was taken by electronic device, and there were—yeas 197, nays 224, not voting 13, as follows:

[Roll No. 299]

YEAS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar

Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—224

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

NOT VOTING—13

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2227

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on passage of the bill.

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

RECORDED VOTE

Mr. LAHOOD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 360, noes 61, not voting 13, as follows:

[Roll No. 300]

AYES—360

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Owens
Oxley
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—61

Abercrombie
Baldwin
Becerra
Blumenauer
Capps
Capuano
Conyers
Davis (IL)
DeLauro
Duncan
Eshoo
Evans
Farr
Fattah
Filner
Green (TX)
Grijalva
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Kleczka
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lofgren
Markey
Matsui
Miller, George
Mollohan
Napolitano
Oberstar
Obey
Olver
Otter
Pallone
Pastor
Paul
Payne
Reyes
Roybal-Allard
Rush
Ryan (OH)
Schakowsky
Serrano
Slaughter
Solis
Stark
Tauscher
Thompson (CA)
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey

NOT VOTING—13

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON) (during the vote). There are 2 minutes remaining in this vote.

□ 2234

Ms. JACKSON-LEE of Texas and Mr. MARKEY changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

A FURTHER MESSAGE FROM THE SENATE

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

S. 2507. An act to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3800 AND H.R. 4107

Mr. DAVIS of Tennessee. Mr. Speaker, I am currently a cosponsor of H.R. 3800 and H.R. 4107. I ask unanimous consent to be removed as a cosponsor of these bills.

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

There was no objection.

AUTHORIZING CLERK TO MAKE CHANGES IN ENGROSSMENT OF H.R. 4548, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4548, just passed, that the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

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

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE RESOLUTION 691, REGARDING TURNING OVER CONTROL OF IRAQ

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider House Resolution 691 in the House;

the resolution shall be considered as read for amendment;

the resolution shall be debatable for one hour equally divided and controlled by the majority leader and the minority leader or their designees; and

the previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STATEMENT OF SMART SECURITY AND INTELLIGENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, there are few images more glamorous in our popular culture than that of the debonair spy. There is a reason that James Bond movies have been audience favorites for more than 40 years. But this is one case where art does not even come close to imitating life.

There is nothing romantic about the state of America's intelligence. It is a tired, rusty, bureaucratic, multi-headed beast that is letting down the American people. Fifteen different Federal Government agencies are a part of our intelligence apparatus, and that does not even include the ad hoc intelligence team the administration gathered to advance its phantom case that Saddam Hussein had weapons of mass destruction.

Fifteen agencies. That is 15 chains of command, 15 unique institutional cultures, 15 fiefdoms. It is a recipe for disaster, for turf battles, and ego clashes which stand in the way of the most critical work imaginable: Keeping the American people safe.

According to Bob Woodward's book, former CIA Director George Tenet told the President that he had a ''slam dunk'' case for war. In reality, Tenet could not get the different players on his own team to pass the ball to one another.

Here is what I want to know: If organizing the hodgepodge Department of Homeland Security was so important that people were called unpatriotic for opposing it, then why is it not just as urgent to unite U.S. intelligence under a single umbrella?

Earlier this week, the Permanent Select Committee on Intelligence considered H.R. 4104 introduced by the gentlewoman from California (Ms. HARMAN), which would have restructured the intelligence community. This bill would have coordinated the 15 intelligence agencies, making them accountable to a single Director of National Intelligence. The bill further integrates the agencies by promoting information sharing and creating incentives for cooperation between them. But the Republicans on the committee shot this bill down.

In the same meeting, the majority rejected an amendment to fully fund counterterrorism intelligence, instead providing only 25 percent of the additional funds that are needed. It is appalling that many of the same folks who were vigilant about keeping a tight lid on intelligence information have offered nothing more than a shrug at the news that Ahmad Chalabi revealed to the Iranians that he had intercepted their secret communication codes. It is unthinkable to me that on the heels of some of the most colossal and embarrassing intelligence failures in American history, the majority is eager to stick with the status quo.

This is a situation that is crying out for reform. We failed to connect the dots that might have enabled us to intercept the 9/11 plot. Our Iraqi intelligence in the run-up to the war was based on mistakes, at best; outright deception, at worst. The administration wants to rewrite the Constitution to say who can marry whom, to give tax breaks to the Americans who need them the least, to read our e-mail and examine our library-borrowing habits, neither of which has anything to do with detaining terrorists, but when faced with a genuine problem, like the state of American intelligence, one that truly endangers the American people, they do not have the will to act.

Mr. Speaker, I am prepared to act. I have introduced H. Con. Res. 392, to create a SMART security platform for the 21st century. SMART stands for Sensible Multilateral American Response to Terrorism. SMART security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It aggressively invests in the development of impoverished nations. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation. And to meet every one of its goals, SMART security will rely on a robust, efficient, integrated intelligence community.

Until we get serious about overhauling U.S. intelligence, I fear that that very term, U.S. intelligence, may become an oxymoron.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

(Mr. CHOCOLA 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 Texas (Mr. DOGGETT) is recognized for 5 minutes.

(Mr. DOGGETT 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 North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REMEMBERING PRIVATE FIRST CLASS GEORGE D. TORRES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, today I rise to honor and pay tribute to all of the brave men and women across the nation who have given their lives in defense of the freedoms we enjoy every single day, and all who leave behind families who miss their sons and daughters.

I'd like to speak specifically about the life of one of my constituents, Private First Class George D. Torres, who was recently killed in combat in Iraq.

Private Torres was assigned to the 1st Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force at Camp Pendleton. He was only 23 years old at the time of his death, and was killed in Al Anbar Province, Iraq due to enemy fire.

Mr. Speaker, the fifth of sixth children, Private First Class Torres joined the Corps in march of last year, and had just been overseas a month before his death.

As our soldiers, who removed Saddam Hussein from power, aim to protect the peace while a transitional democratic government run by the people of Iraq is being established, our troops are in a very dangerous situation.

Mr. Speaker, George was aware of the realities of military service, but always wanted to join the Marines, and ''was very proud'' after he returned to school and earned the high school diploma he needed to enlist, telling his sister that if he had to go serve in Iraq, then he'd go.

A Dodger's fan, he was known for his outgoing personality and in the words of his girlfriend, ''was the best person in this world.''

A memorial Web site set up for George Torres has received numerous emails, which is a testament to the strong relationships George built during his all-too-short lifetime.

His loving family, sisters Oralia Cisnernos, Olga and Evelyn Torres, brothers Fernando Torres Jr. and Francisco Torres, and his parents, Fernando and Genoveda Torres, survive Torres.

I would like to extend my condolences to the family and friends of Private First Class Torres, and my thoughts and prayers are with his family during this difficult time. George's valiant service to his country will be greatly remembered.

We owe him a great deal of gratitude for his service to a country he loved.

KERRY ATTACKS ON BUSH SCIENCE AND TECHNOLOGY RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I chair the Subcommittee on Research on the Committee on Science, and I am very concerned that science and technology should not be in the partisan politic arena for this election in November.

At a speech in Denver on Monday, JOHN KERRY kicked off a week of campaign politics focused on science and technology policy. He attacked President Bush for putting politics over science and promised to reinvigorate American innovation. As chairman of the House Subcommittee on Research, and a long-time advocate of expanded support for science and technology, I suggest Mr. KERRY is putting politics before science.

In the strongest possible way, I urge this issue must remain bipartisan. Even in today's highly charged political environment, I am disappointed that Senator KERRY has chosen to politicize science, and I feel compelled to respond to his misleading and actually sometimes false statements and attacks on this administration.

Senator KERRY's fact sheet promises to support scientific research based on facts, not ideology, and I respectfully suggest that a good place for the Senator to start would be to minimize the distortion of facts and ideological rhetoric that are so prevalent in his very own press releases on this subject.

A quick review of the Senator's recent press release on science and technology and its accompanying letter of endorsement, signed by some Nobel prize winning scientists, reveals several distortions and factual errors that should be brought to light. They include: Failure to disclose backgrounds of Democrat party activism by these scientists.

The KERRY campaign touted the endorsement of 48 scientists, as if they were speaking on behalf of the welfare of science and discovery itself. But, in fact, it is clear these scientists are, collectively, also very passionate liberal ideologues with an extensive record of support for the Democratic party.

Twenty-two of Senator KERRY's Nobel endorsers show up on the Federal Election Commission, the FEC Web site, as having donated $25,000 to Democrats for every $1,000 donated to Republicans. To repeat: $25,000 to the Democrats for every $1,000 to Republicans. Obviously, some bias for the Democrats.

The lead organizers of the letter, Burton Richter, Harold Varmus, and Mario Molina, announced their support for KERRY in a conference call as though they were nonpartisan objective observers that had no choice but to reluctantly support KERRY's campaign.

□ 2245

But by way of their public record of financial support for Democratic candidates, Richter, Varmus and Molina have consistently used their names outside of science, donating $13,950 to Democrats such as Wesley Clark, Al Gore, BARBARA BOXER and Bill Bradley.

If Senator KERRY wants to limit the exploitation of science for political gain, he should start by fully disclosing the history of political contributions by his prize-winning supporters, most of whom have had their research supported from government funds.

One of Mr. KERRY's false claims: The KERRY campaign ''fact sheet'' begins by stating that, ''George W. Bush has led one of the most antiscience administrations in our Nation's history,'' and goes on to claim that the President ''has proposed cutting research and development in most nondefense research programs through fiscal year 2009.''

This projection is in fact not a Bush administration proposal but, rather, a particular result of the AAAS, the American Association for the Advancement of Science, that is based on multiyear revenue and spending projections, combined with the administration's goal to halve the deficit in five years. In short, it is not correct.

Let me report the assumptions that were made in reality, and what is grounded in reality is in the Bush administration and this Congress, there has been a stellar record of support for science and technology funding. By almost every measure, funding for science and technology under President Bush's watch has increased dramatically.

Since the President took office in 2001, Federal support for R&D has increased by 37 percent after adjusting for inflation, growing from $78 billion to $107 billion in constant 2000 dollars.

By comparison, Federal support for R&D actually decreased 4 percent in President Clinton's first term, going from $77.4 billion in 1993 to $74.4 billion the last year of Clinton's term (source: FY 2005 budget, historical tables).

False Claim of America's Scientific Demise. The title of Senator KERRY's press release, ''Kerry Pledges to Once Again Make America the Leader in Science,'' is emblematic of the pessimistic approach to America he has taken with his campaign. If JOHN KERRY doesn't think America is the world leader in science and technology, what country does he think is better?

The truth is, by every measure, the United States is far and away the 800-pound gorilla when it comes to science and technology. The challenge is keeping it there and not letting it

disrupt bipartisan support with a bunch of political cheap shots. The U.S. spends nearly three times as much on R&D as the second-place country, Japan. And more money is spent on R&D activities in the U.S. each year than the rest of the G–7 countries (Canada, France, Germany, Italy, Japan, and the United Kingdom) combined. The United States also holds strong leads in specific sectors. For example, the U.S. produces 32 percent of the entire world output in high-technology products. Technology products also account for a very large share of U.S. exports, thereby making a positive contribution to our overall trade balance (source: National Science Board Science and Engineering Indicators, 2004).

A Record To Run From. Finally, Senator KERRY likes to attack President Bush for "not having a record to run on." But while the President indeed does have a strong science and technology record, it is worthwhile for us to examine Senator KERRY's record on science and technology as a member of the Senate for the past two decades. A review of floor statements posted on Senator KERRY's web site show that, over the past 4 years, he's only mentioned science four times in floor statements. Further, even though Senator KERRY is a member of the influential Commerce, Science, and Transportation Committee, he has not introduced any legislation during this Congress on science and technology issues. Science, research, and innovation are vital to our country's future. Senator KERRY hasn't shown leadership on science and technology during his two decades in the Senate. Now he is dividing what has been bipartisan support for science and technology. Mr. KERRY, it is not good for science and it is not good for our country's future.

The SPEAKER pro tempore (Mr. GERLACH). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CONGRATULATING DR. MELVIN STEELY ON HIS RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, tonight I want to acknowledge the retirement of Dr. Mel Steely, a history professor and former colleague of then Professor Newt Gingrich. Dr. Steely is ending a 40-year career as a professor at the State University of West Georgia.

Born during Roosevelt's America May 9, 1939, Melvin Thomas Steely grew up in Cedartown, Georgia. With an interest in history, Dr. Steely aspired to teach, attaining both a master's and doctorate degree in history from Vanderbilt University. He taught at Lambuth College in Jackson, Tennessee before moving to West Georgia College to teach Modern European History in 1964.

Dr. Steely was the kind of a professor who would have no part of grade inflation, and a grade of ''A'' in his classroom was well-earned. Despite how much he may have cherished the student, there was no fast track to success in his courses. Much like life, he believed you have to work and learn in order to achieve success.

Although he was a member of many professional organizations, Dr. Steely's contributions as President and lobbyist for the American Association of University Professors earned him both the Sumberg and the State Akin awards. He has worked in political campaigns for both parties. He has served as the faculty adviser to the West Georgia College Republicans for 24 years and continues to this day to serve as Speaker Newt Gingrich's biographer and curator.

Along with the many students he influenced over a 40-year teaching career, Dr. Steely's most significant accomplishment and legacy will be as the director of Georgia's Political Heritage Program. In 1985 he started an audio/video collection of famous Georgia political leaders in an effort to preserve our State's political heritage. Moderated by West Georgia history professors, the collection includes rare interviews with former governors, lieutenant governors, United States Senators and Members of the United States House of Representatives.

The political heritage archive also collects the political papers of Speaker Newt Gingrich and House interviews with all but two former Georgia governors since World War II.

Other significant individuals featured in this collection include Governor Jimmy Carter, Governor Lester Maddox, Governor and current United States Senator ZELL MILLER, United States Senator Herman Talmadge and Ambassador Andrew Young.

Beyond politics and history, Dr. Steely is involved in numerous civic organizations, including the Moose and Elks clubs, the Kiwanis Club, the Boy Scouts, the Methodist Church and Governor Sonny Perdue's Civil War Commission. With his wife, two daughters and five grandchildren, Dr. Steely should have no problem keeping busy outside of his continued involvement with the West Georgia Political Heritage Program.

On behalf of the constituents of Georgia's 11th Congressional District, I appreciate Dr. Steely's service to our community and his help in preserving Georgia's history. I wish him well, and may he find many new adventures in his retirement.

CARING FOR OUR VETERANS AND THEIR FAMILIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maine (Mr. MICHAUD) is recognized for half the time until midnight as the designee of the minority leader.

Mr. MICHAUD. Mr. Speaker, we are here this evening to discuss an issue that I believe should be one of the highest priorities in the budget, one of the highest priorities for Members of Congress and one of the highest priorities for our government. We are here this evening to discuss caring for our veterans and their families. We are here on the floor to show them the respect they deserve.

Since the beginning of our Nation's history, our veterans have answered the call to duty with dignity, with courage and with great honor. These brave men and women have never flinched in the face of danger and as we speak on the floor this evening, a new generation of veterans is being made in Iraq and Afghanistan. Like all Members of this body, I pray for their safety and hope that they may return home to their loved ones as soon as possible. Like the veterans before them, these brave men and women deserve our respect, our gratitude and our care, not just while they are in harm's way but also when they come home and take off the uniform. There are so many issues facing our veterans community now that we must address so that the VA can care for the needs of our newest generation of heroes. I believe we must encourage all veterans to enroll within the VA so they can fully understand the need within our communities. There is a program in my home State of Maine called Operation I Served which is working to identify and enroll as many veterans as it can. I believe this is a noble effort and one that I fully support. I personally ask all veterans to enroll in the programs.

Mr. Speaker, one of my greatest concerns when I came to Washington was to give over 150,000 veterans in my State a stronger voice on the issues that are important to them. I have been honored with being ranking member on the House veterans benefits subcommittee. During my time on the Committee on Veterans' Affairs, I have learned a great deal from the full committee ranking member the gentleman from Illinois (Mr. EVANS) and from the gentleman from New Jersey (Mr. SMITH), the chairman. The bipartisan effort of our committee has resulted in the passage of good legislation, including improved veterans education benefits, the enhanced self-employment opportunities and improvement in home loans and adapted housing benefits. The housing veterans' affairs committee has achieved a great deal for veterans because of the bipartisan spirit with which it pursues issues important to veterans and their families. Unfortunately, that bipartisan desire to care for veterans does not reach into the administration's budget request. Veterans in this country are all too aware of the growing mismatch between the demands for veterans services and the funding allocation to supply these services. Some would have us address this issue of mismatch by decreasing the demand for VA services by limiting access to certain veterans or by increasing copayments to those veterans. I believe this is absolutely the

wrong policy to pursue. If we truly value the sacrifice our veterans have made for this country, we will work to ensure that all veterans have access to high quality care. We must make caring for our veterans a priority, not only in words but also in our budgets and we should give the VA the mandatory funding that it needs to take care of our veterans.

I look forward to discussing this issue further this evening with my colleagues here. I yield to the gentleman from Ohio.

Mr. STRICKLAND. It is great to be here with the gentleman from Maine (Mr. MICHAUD), the gentleman from Ohio (Mr. RYAN) and the gentleman from Maine (Mr. ALLEN). The fact is that we are here because we are concerned about veterans and the fact that this administration is woefully underfunding VA health care. The truth is that since President Bush came to office, he has sent to this Congress budgets which ask for greatly increased costs to our veterans. The President has asked that the cost of a prescription drug be increased from $7 a prescription to $15 a prescription. The President has asked in his budget that a $250 annual user fee be imposed upon our veterans. The President has asked that the cost of a clinic visit be increased. And the President through his administration has created a new category of veterans which they call priority group 8. These are veterans who are told that they can no longer participate in VA health care. These people can be combat decorated veterans and still be told by this administration that they cannot participate in VA health care.

What the President has already done is harmful enough to veterans, but just recently a memo surfaced from this administration from the Office of Management and Budget. It outlines what the President will likely do if he is reelected when it comes time to create the budget for 2006. In that memo, we find out that the Bush administration plans to cut about $900 million out of VA health care funding in the 2006 budget. The reason that is so bad is because we are already underfunding VA health care. We are already imposing additional costs on our veterans. Veterans are waiting months just to see their doctor for the first time in many cases and in many places around this country. Yet the President wants to fund VA health care at an even lower level for the 2006 budget period. What would that mean in Ohio? Ohio is a big State. We have 1,069,132 veterans in Ohio. These are men and women who have served the country with great honor. If the President's proposed cut were to happen, that would result in a cut of $36 million beneath the current levels of funding just for the State of Ohio alone. We cannot let that happen. That is why I think it is important that we meet as we are meeting here on the floor of the House tonight to discuss this issue, to inform not only our colleagues but to inform the American people and especially America's veterans as to what is being planned by this administration.

Mr. MICHAUD. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, it is an honor to be here with the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Maine (Mr. ALLEN) and the gentleman from Maine (Mr. MICHAUD). Maybe we can get a two-on-two basketball game going here, the Ohio guys against the Maine guys. I just want to say what an honor it is and how terrific it is I think that the gentleman from Maine became the ranking member on a subcommittee in the Committee on Veterans' Affairs in his freshman year. I think that speaks volumes of how he has been approaching the issues and how important it is to him. But the one issue I wanted to just touch base on for a few minutes, and I know it is getting late and our time is limited, about the mandatory funding. We have an opportunity to make sure that our veterans are funded every single year through the mandatory funding provisions that we want to implement. Right now it is discretionary funding, it is up to the whims of Congress on whether or not our veterans should get their health care. The request from the Secretary of the VA is completely underfunding the needs.

Everyone keeps saying, ''Well, we're spending more on veterans now than we ever have. We are spending more. We have increased by X percent over the last few years.'' And the one point that continues to get ignored is that we have thousands of more veterans entering into the system. So although there is an increase, if you increase it by 5 percent and the numbers of veterans coming in increases by 10, 15 or 20 percent, then the money you have in the pot is not big enough to handle the needs for our veterans.

□ 2300

And what has happened under the current system, under the discretionary funding system, is that we have failed to keep pace with the medical inflation; we are rationing care to our veterans; we are denying services to some, as the gentleman from Ohio (Mr. STRICKLAND) said; we are foregoing a lot of the modernization techniques and investments.

And the one point that I really wanted to bring up because I think it is so appropriate given the state of war that our country is in, reducing the funding for research and development for prosthetics. The VA was award winning in the country for the kind of developments and the research that they would put in and the kind of advances that they have had regarding amputees and trying to help amputees who come back. In this war we have seen more amputees than we ever expected because we do not have the armored Humvees, and just the way this guerrilla war is being fought, we have a lot of veterans who are losing their arms, losing their legs, and now back at home we are cutting the investment for trying to improve on prosthetics.

Not only that, but when we take a step back and we look at the big picture, this is about choices and we can say we do not have enough money to fund all these programs for our veterans. That is a shame in itself if one has to say that, but at the same time they will not reduce the tax cut for millionaires.

We are not asking to reduce the tax cuts for anyone that has made under $300,000, $200,000. In fact, Democrats want to increase the child tax credit and increase the breaks for middle-class people. But when one says that they are not willing to repeal any portion of the tax cut for people who make more than $1 million to pay for this veterans funding, we have a problem in this country.

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

Mr. MICHAUD. I yield to the gentleman from Ohio.

Mr. STRICKLAND. What the gentleman is describing here are the values embraced by this Congress, and some people seem to think it is more important to give tax cuts to people who make over $200,000 a year than it is to put sufficient resources into caring for our sick and disabled veterans. That is an argument we can have, but I think the American people are going to side with us. Especially during this time of war, and the gentleman from Maine (Mr. MICHAUD) knows this, as he visits his district, as I visit my district, as the gentleman from Maine (Mr. ALLEN) visits his district, we hear from people that they honor and revere the service that our veterans have given to our country, and they want us to put the needs of our sick and our disabled veterans at the top of the list. They do not want them to be at the bottom and get the leftovers. They want them to be at the top.

Sadly, this administration has decided that it is more important to take the resources we have and give those resources to the richest people among us in the form of tax breaks than to put sufficient resources into our health care.

Mr. MICHAUD. Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding to me.

This is a Maine/Ohio event tonight. I am not sure we are ready to play basketball with Hoosiers, but we are happy to talk with them tonight about the problems our veterans face.

We have 150,000 people over in Iraq and Afghanistan doing their level best to carry out an extraordinarily difficult assignment. And it is simply astonishing, it is a disgrace, that President Bush and the Republican leadership in this Congress have made tax cuts for the richest Americans a higher priority than funding health care for our veterans.

Just to put these numbers in perspective, Secretary Principi asked the administration for $1.2 billion in next year's budget that he could not get. He asked for $1.2 billion. That seems like a lot of money. How much are we spending every week in Iraq? A little over $1 billion. We spend $1 billion a week in Iraq, and we cannot find, the administration cannot find, $1 billion extra a year to fully fund veterans' health care in this country. It is just unbelievable.

In Maine we are doing better in some respects because we have got some additional clinics. We have got the CARES report that has been done and offers some hope that we are going to do a little better in the future. But nationally we are underfunding veterans' health care. There is no doubt about it. What is really going on, I think, is because the cost of health care, particularly the cost of prescription drugs, is rising so rapidly that more and more veterans are coming into the system, flooding the system, asking for help. And where is the United States Government, where is the United States Congress, when our veterans need extra help? Sadly, missing in action is where we have been.

The gentleman from Ohio (Mr. STRICKLAND) was just talking about the White House budget memo for the next fiscal year, not the one we are debating this year but the next fiscal year. That is a cut. In fiscal year 2006 President Bush's proposal is to cut VA health care by another $910 million, almost $1 billion, 1 week's worth of spending in Iraq. And if they succeed in driving veterans' health care down by that much, they will have cut veterans' health care to below the 2004 level, below the level that we are spending this year. And I find this proposal just absolutely shameful, especially when our servicemen and women and their families are sacrificing so much in Iraq, Afghanistan, and around the world.

We should be at this time showing renewed appreciation for our veterans, and that is why I support the gentleman from Wisconsin's (Mr. OBEY) resolution, H. Res. 685, that would reorder the Nation's budget priorities to increase the investments in veterans' health care. This House will vote on the resolution tomorrow, and H. Res. 685 would increase funding available for VA health care for fiscal year 2005 by an additional $1.3 billion, just slightly more than Secretary Principi asked the President for and did not get.

The resolution would be paid for by limiting unfair and disproportionate tax breaks for people making $1 million annually. And think about this. That would save just under $19 billion. In other words, here we are, the conflict going on in Iraq and Afghanistan, and in 1 year alone, people earning $1 million a year or more are going to take home $18.9 billion that they would not have had without these tax breaks. And we cannot find, the administration cannot find, the Republican Congress cannot find, $1.3 billion a year to help our veterans. If we were not in Washington, we would not believe it. What is happening is just absolutely unbelievable and needs to be changed.

Mr. STRICKLAND. Mr. Speaker, if the gentleman would yield, I want to comment on what the gentleman from Maine (Mr. ALLEN) has said. The fact is that we are more concerned about millionaires getting a few dollars in tax breaks than we are in providing health care to our veterans. It is a simple fact. The President and the leadership of this House can argue otherwise, but it is true. If we would just simply not be so concerned about giving millionaires more money in tax breaks, we could take care of America's sick and disabled veterans. These people who have fought the battles, paid the price by shedding their blood, losing their limbs. Some have been blinded, disfigured, and horribly wounded in a variety of ways. But this administration cares more for millionaires in terms of getting more money through tax breaks than caring for our veterans.

Mr. MICHAUD. Mr. Speaker, I agree with the good congressman. And I do not know what it is going to take because both the gentleman from Ohio (Mr. STRICKLAND) and the gentleman from Ohio (Mr. RYAN) also sit on the Committee on Veterans' Affairs, and I do not know what it is going to take, because in earlier years, as they know, we have got this independent budget for fiscal year 2005 where they spell out the money that they need to take care of our veterans here in this country, and it was unanimous. Then the President's own task force reported earlier the final report in 2003, Improved Health Care, Delivering for our Nation's Veterans, it says right in there that there is a significant mismatch in the VA between demand and available funding.

□ 2310

Something has to be done to take care of our veterans, and it is a matter of priority.

I served in the legislature for 22 years, and a lot of those years I served on the appropriations committee and we had to make the tough decisions. We had to live within a balanced budget because the Constitution of Maine requires that.

So we had to prioritize. That is what this is all about, is prioritization. I do not think the priorities of this Congress and this administration are set in the right places. I think definitely the veterans are a top priority and we ought to take care of them.

The gentleman from Ohio (Mr. RYAN) talked about the cutting of some of the research funding for our veterans. I had a chance to go visit Walter Reed hospital and went into the amputee ward. I am glad I did. I had a chance to talk to a lot of the soldiers that were there, and it really opened my eyes.

That is one area we definitely should not be cutting back, because the war in Iraq and Afghanistan will be over with eventually and people will tend to forget about it, but the people who will never forget about the war in Iraq or Afghanistan are those who lost a loved one or a veteran who came home and is missing a limb or two. They will never forget. That is always going to be on their minds.

That is why it is incumbent upon this Congress to make sure that we have adequate funding. And as stated by my good colleague the gentleman from Maine (Mr. ALLEN), actually when Secretary Principi came before the Committee on Veterans' Affairs to talk about his budget, he admitted they cut him back $1.2 billion. That is wrong, and that is not where my priorities are.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield further, I want to share with the American people, because it is easy to say that the gentleman from Ohio (Mr. RYAN) or the gentleman from Ohio (Mr. STRICKLAND) or the gentleman from Maine (Mr. MICHAUD) are the ones saying we need to do this.

Almost every major veterans organization has backed the mandatory funding proposal. The American Legion, the AMVETS, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans of the USA, Military Order of the Purple Heart, Paralyzed Veterans of American, Veterans of Foreign Wars, Vietnam Veterans of America, these are veterans organizations who are saying this is something that we need and we are willing to put our names on it. I think that is important.

It is the same with mental health, homelessness and all the other issues that we talk a lot about in committee.

So I just want to thank the gentleman again for the opportunity to be here. It has been great over the last few weeks and months to watch all of the history of the World War II veterans and everything that has been shown on TV and on the history channel and the dedication of the monument and everything else.

I think when we are talking about values and talking about priorities, and as the gentleman from Maine said, as a legislature, you have to make these choices, and they are not always easy choices. But when you compare what we are doing and how many trillions of dollars we are giving a way to the top 1 percent of the people in this country, at the expense, it is not free money, it is at the expense of veterans, and where would those people be if these veterans did not protect the system, the economic system, the democratic system that we have in place right now that enables them to create the kinds of wealth they have created. God bless them. We are not here to say they should not make their money, but we are saying society has an obligation to treat these people fairly, and right now they are not.

Mr. MICHAUD. Mr. Speaker, reclaiming my time, I thank the gentleman.

Another issue I would like to discuss, and it is an issue that has plagued our veterans community for over 100 years, it is the issue of concurrent receipt, also known as the disabled veterans tax.

H.R. 303 which would address this issue has 382 bipartisan cosponsors, but this bill has not been brought to the floor by Republican leadership. My good friend the gentleman from Georgia (Mr. MARSHALL) has filed a discharge petition, but has only been able to get 206 signatures as a result of this action. And the grassroot movement, the veterans around the country, we were able to actually take a small step to address this issue in the national defense authorization.

But it is a crying shame, because when you look at in my State of Maine alone, two-thirds of the military retirees were left out of this provision, and I fully support total elimination of the ban on both the disability and retirement pay. I do not think we should stop until we get the full repeal of it.

Mr. STRICKLAND. Mr. Speaker, if the gentleman would yield, I think some people do not fully understand what is meant by concurrent receipt. Some people do not really understand what we mean when we talk about the disabled veterans tax. But it is a discrimination against veterans.

If a veteran is an individual who has served the country and has qualified to receive a pension, they get a pension. But if they have become disabled in some way and they qualify for disability benefits, they get disability benefits, or they qualify for disability benefits. But the tragic fact is, for every dollar that a veteran, a disabled veteran, gets in disability benefits, $1 is subtracted from their pension.

So, in other words, the disabled veteran is actually paying for his or her disability, and it is a discrimination, it is an injustice that needs to be corrected.

We would have corrected it. The Democrats in this House have been trying for months to correct this injustice, and the President fights our attempt to get rid of this disabled tax.

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

Mr. STRICKLAND. I will not yield right now, but I will as soon as I finish my statement.

The fact is that we have been trying to get rid of this disabled veterans tax, and it is the Republican leadership in this House and the president of the United States who has fought our attempts to get rid of this terrible injustice. And it will not change, I believe, until the veterans of this country understand what is going on and speak out and speak up and demand change.

You know, talk is cheap, and it does not cost us anything to salute the flag or to appear with veterans in a parade. But the real reflection of our values as a people and as a Congress is seen in how we spend our money, those things which we are willing to support with our budget.

The fact is that this Congress has failed disabled veterans, and I just call upon the President, upon my colleagues in this House, to change their attitudes and change their minds and step up to the plate and allow the Republican Members to come down here and sign this discharge petition. Let us bring this bill to the floor, so that all Members of this Chamber can have a recorded vote, a public vote, so that the veterans know where we stand; not just what we say, but what we are willing to do with our vote to get rid of this injustice.

Mr. Speaker, I thank my friend for yielding.

Mr. MICHAUD. Mr. Speaker, reclaiming my time, talking about the disabled tax, that has been a very discouraging thing. I have heard a lot of veterans in Maine who do not receive much funding at all.

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

The SPEAKER pro tempore. Does the gentleman from Maine yield?

Mr. MICHAUD. Not at this time, Mr. Speaker.

Mr. Speaker, the biggest problem I see when you talk about veterans benefits and health care, sometimes those in the administration really do not understand the distance veterans have to go to get their health care.

The issue I want to bring forward is we have a lot of BSOs, and I hear a lot of complaint in the State of Maine. If a veteran in the northern part of the State has to get health care services and they go to Togas and then they have to get shipped to Boston, they stay overnight in Togas, then another day they go to Boston; they stay overnight in Boston, then they come back to Togas, then back up to the northern part. It is a 4-day trip.

That is wrong. I do not think veterans should have to go through that. It is wrong. We have to make sure they are taken care of, not only their health care, but this disability tax is another issue that I think we definitely should be voting on.

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

Mr. MICHAUD. I yield to the gentleman from New York.

Mr. MCHUGH. You will yield. I thank the gentleman.

Let me from the outset, Mr. Speaker, say that I deeply appreciate the two gentlemen's comments about the concerns with respect to veterans benefits. I think both sides of the aisle, Republican and Democrat, share that concern.

What troubles me is the comments the two gentleman have made with respect though the Republican majority in this House as it relates to concurrent receipt.

□ 2320

The fact of the matter is, this concept has existed since the 1860s, since just after the Civil War. The fact is, for the 40 years prior to the Republicans taking the majority of this House, my friends' party did absolutely nothing to correct the inequities, the wrongs associated with concurrent receipt that they so rightly cited.

Mr. MICHAUD. Mr. Speaker, would the gentleman quickly make his point?

Mr. MCHUGH. I am making my point as quickly as I can. If the gentleman cares to reclaim his time, that is his right.

As the chairman of the subcommittee that has responsibility over concurrent receipt, I would say under the Republican majority, for the first time in more than 140 years, including 40 years of uninterrupted Democrat majorityship in this House, we have taken steps to cut the concurrent receipt inequities by more than half. It is not enough. We need to do more.

Mr. MICHAUD. Mr. Speaker, reclaiming my time.

Mr. MCHUGH. But for these 2 Members to say we have done nothing is the most disingenuous comment I have heard in my 12 years here.

Mr. MICHAUD. Mr. Speaker, reclaiming my time, what was done 100 years ago is one thing. Veterans want the problem taken care of now.

Mr. MCHUGH. Would the gentleman yield? * * *

Mr. STRICKLAND. Regular order, Mr. Speaker.

The SPEAKER pro tempore (Mr. GERLACH). The gentleman from Maine has the time.

Mr. MICHAUD. Mr. Speaker, I am a freshman Member of Congress. I was not here to deal with this issue in the past. I am here now, and it is an inequity, and I think it should be taken care of.

Mr. MCHUGH. * * *

The SPEAKER pro tempore. The gentleman from Maine has the time.

Mr. MICHAUD. Mr. Speaker, I am not here to put blame on the past Congresses. I am in this Congress, and this is an issue where we have over 380 some odd Members of Congress signing it, and it is disingenuous for those Members of this body who signed it to be cosponsors and refuse to sign the discharge petition, and refuse to bring it out.

Mr. MCHUGH. Will the gentleman yield?

Mr. STRICKLAND. Will the gentleman yield to me?

Mr. MCHUGH. Will the gentleman yield?

Mr. MICHAUD. I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, the issue is this: a vast majority of the Members of this House have signed on as sponsors of a bill to solve this disabled veterans problem, to get rid of it. The leadership of this House will not allow that bill to be brought to the floor so that all of us; you, sir, as well as every other Member of this body, will have a chance to cast a public vote so that the veterans of this country know where we stand.

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

Mr. STRICKLAND. I will not yield.

The fact is that we deserve a chance to have a public vote so that the veterans in your district and in Mr. MICHAUD's district and in my district can look at the record and see how we vote.

Now, why will not those who are sponsoring that legislation walk down here and sign their name to the discharge petition and allow that bill to be brought to the floor? All we are asking for is a public vote. Members can vote however they choose to vote. But the people of this country, especially the veterans of this country, deserve to know where we stand.

Talk is cheap in this chamber. It is the vote that counts.

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

Mr. STRICKLAND. I will not yield. It is the vote that gives the benefits to the veteran, not the talk, and what we have is talk. As I have said before, rhetoric is empty unless it is followed up with the willingness to cast the vote to make the resources available to the veterans.

We are talking about disabled veterans, veterans who have suffered bodily injury as a result of their service to this country. For too long, these disabled veterans have been denied justice. We are simply asking for justice.

Mr. MICHAUD. Mr. Speaker, reclaiming my time, I would like to read an e-mail.

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

Mr. MICHAUD. No.

I would like to read an e-mail I received from a constituent: ''It is the veteran, not the preacher, who has given us freedom of religion.

''It is the veteran, not the reporter, who has given us freedom of the press.

''It is the veteran, not the poet, who has given us the freedom of speech.

''It is the veteran, not the campus organizer, who has given us the freedom of assembly.

''It is the veteran, not the lawyer, who has given us the right to a fair trial.

''It is the veteran, not the politician, who has given us the right to vote.''

Mr. Speaker, I think that pretty much sums it up. It is the veterans that made this country what it is today. We should be taking care of our veterans, living up to the commitment, making sure that they get the proper health care that they deserve, and we ought to take care of some of the problems of concurrent receipts and mandatory funding.

THE GROWING ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Kansas (Mr. TIAHRT) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Maine for giving us that wonderful quote about all of the benefits that have been provided to us by veterans. But when it comes to concurrent receipts, it has been the Republicans that have done the most to provide for concurrent receipts for veterans by making a progressive step in the right direction.

I will be glad to yield to the gentleman from New York (Mr. MCHUGH) to explain what has happened when it comes to benefits for the veterans.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding. I am sorry we were unable to construct a constructive give-and-take discussion on this very important issue with my 2 colleagues who have now left the chamber, regrettably, on this issue.

As I said during the time they did yield to me, and I appreciate that opportunity, the fact of the matter is that when we come to the issue of concurrent receipt, this is a process that I strongly disagree with, and I think the majority of the House, Republican and Democrat, disagree with, and it has existed for more than 140 years. However, the fact is, in spite of my 2 friends' comments earlier, nothing has been done in that 140-year period to correct that situation until the last 3 years.

Over the last 3 years, we have taken significant steps to remediate the inequities that are associated with concurrent receipt. Based on the hard work of the House Committee on Armed Services controlled by, yes, the majority party, we have significantly improved the concurrent receipt situation. I think every veteran service organization in America would admit that.

What has not happened, however, is total correction. What concerns me, and what really I think is the key point with respect to the previous speakers' comments, that while one speaker, the gentleman from Maine, said he was not here, it was not his responsibility that nothing had been done, the other speaker, the gentleman from Ohio, was here and, in fact, was complicit in no corrective action.

I just want to rise tonight to express again my appreciation to the gentleman from Kansas (Mr. TIAHRT) for yielding to me to assure the veterans community who have been affected by this, that while we have implemented what amounts to multiple billions of dollars of corrections in this concurrent receipt debate, that we are going to continue to effect even further corrections until the inequity that has existed through the past 40 years of the minority's rule over this House, until equity, until the proper circumstance is corrected. And this is the silly season, the political season, and I just wanted the opportunity to state that, as the chairman has responsibility over this issue.

□ 2330

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from New York (Mr. MCHUGH), the chairman of the subcommittee that has jurisdiction on this area for all the progress that he has made for veterans in a long time. As it was stated here earlier by the Chairman, 140 years has gone by that this has been an issue, but it took a Republican Congress to act on it. And we have done more for veterans in the last 10 years since we have taken over the House of Representatives as the majority party than happened in the previous generation. So I thank him for his leadership and appreciate his time on the floor tonight.

Mr. Speaker, tonight I want to speak about three things. First, I want to talk a little bit about our economy and how it is growing, why it is growing, why the tax relief that we have passed has been so beneficial.

Second, I want to talk about what is going to be proposed tomorrow by the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations. He is calling it ''America's Top Ten Obligations.'' That is the title for a tax increase on what he claims are the top 1 percent of taxpayers in America. We will tell you who those people are.

The third thing I want to talk about is how we are going to bring jobs back into America. It is an agenda we call ''Careers for the 21st Century.'' It is an eight-point plan to make America more competitive.

But first, Mr. Speaker, let me return to our economy. Our economy is robust. I have a chart here that shows how our economy is growing. It starts in the fourth quarter of 2002. As you recall, in the recent history of our economy, in 1999 we had a tech bust. It resulted in a dramatic drop in the NASDAQ because a lot of the tech industries lost value and many people were laid off.

Following that in about November of 2000, prior to George Bush being sworn in for office in January of 2001, the recession started. We saw other job losses. Then on September 11, 2001, terrorists attacked our country using our own technology against us and dealt a severe blow to our economy.

In my home area in south central Kansas, our community had a greater percentage loss of jobs compared to the total number of jobs in the community than any other community in the United States. We were hit very hard. So the terrorist attack had a dramatic impact.

What happened in Congress then is that we passed the President's plan for tax relief. It was an across-the-board tax relief plan in addition to some targeted tax relief. That across-the-board plan affected every individual that pays Federal income taxes in America. Every individual. All of us got a tax break if we paid Federal income taxes. It was a very fair and reasonable thing to do. The percentage was equal for every American.

So that tax increase did one of three things for people who got money back

from the government, their money returned to them by the Federal Government. They either saved it, which was good, because that provided money for mortgages. As we have known, if one has been paying attention to new home starts in America, it has been dramatically growing. It has been the largest surge that we have seen in recent history. Two reasons: One, low interest rates; the second is there was money available because people took some of this money available from the tax relief and they saved it.

The second thing was invest it. By investing it it made money available to corporations to expand their companies and hire more people. And the charts will support that.

The third thing is that what Americans did with the tax relief is they spent the money. They went out there and they demanded goods and services. Those goods and services in turn created more jobs.

So the tax relief did those three things. All of it was good for our economy. The results are clear. The growth in our economy going back to the fourth quarter of 2002 they had a 1.3 percent growth. We were just seeing the effect of the tax relief. The next quarter, the first quarter of 2003, 2.0 percent growth. Then it started to climb, 3.1 in the second quarter. Third quarter spiked at 8.2 percent. It was really taking off. Then it leveled off to now 4.1 and then 4.4 for the first quarter of 2004.

The projection is the last half of the chart there looks like it is going to go to about 4.4. We are anticipating some increases in the interest rates from the Federal Reserve. So there may be a slight drop back. But this is the fastest growth that our economy has seen in the last 20 years, a tremendous advantage, and it was based on tax relief.

This surge has also created jobs. This is a by-month comparison of the jobs, the base level of jobs and then the month's increase of jobs. One can see the total number of jobs has grown dramatically in the last 3 months. We have seen in March of 2004, 353,000 jobs were created. In April of 2004 an additional 346,000 jobs were created. In May of 2004, this past May, 248,000 jobs were created. Since August of last year this economy has created 1.4 million jobs because we have had some tax relief and people have done one of those three things that I explained earlier.

Now, what does that mean when jobs increase? It means unemployment goes down. Unemployment now is down to where the average in 2004 is lower than the average of the 1970s, the 1980s and the 1990s. In Kansas where we have had 13,000 aerospace workers laid off, they are coming back to work. Our unemployment has just dropped three-tenths of a point in just the last couple months. So we have seen a real reduction in unemployment, which has been good for our economy. Not only are there more jobs out there, but the people with those jobs are earning more money.

Now, we have heard complaints from the other side of the aisle that, oh, sure, there are some more jobs out there but they are minimum wage jobs. These are jobs that only poor people can have. It is not a living wage. The truth is the average wage is going up. The people with these jobs are getting high-quality, high-paying jobs.

Now, I know we can do better, but the fact is people are making more money and we have more people working. Exports are also picking up, a good indication that our economy is doing very well. Also our investments are very strong. This goes back to what I was saying about those three points.

The President's tax cut has reduced the marginal effective tax rate for new investments and that has caused a growth of investments in America. Very important fact. Housing starts remain strong. We talked a little bit about that. That is one of the second points I made when people save money. I guess it is the first point I made, that when people save money it makes money available for home mortgages. And then home ownership starts, people buy houses and they build new homes. And those homes that are vacated are then sold on the market.

We have more people owning homes today than ever before in America's history. Minority ownership is at an all time high, at 50.8 percent of families owning houses.

Other indicators in the housing markets are also strong. So this is good news for our economy. And it goes back to tax relief. Tax relief is very important to keep our economy strong.

Now, tomorrow the gentleman from Wisconsin is going to take a tip off the sheet of Mr. KERRY, the gentleman running for president, and that is going to be called America's Top Ten Obligations. Now, this plan, the intent of this plan is to scale back the tax cuts, the tax cuts that have been propping up this economy, as these charts have shown, propping up this economy during the terrorist attacks, the war against terrorism, it is a worldwide war, and the recession that we are coming out of.

But the problem is that Mr. KERRY and the gentleman from Wisconsin (Mr. OBEY) wanting to raise the tax burden, which they say is the top 1 percent of America, is actually raising taxes on the people that are creating the jobs.

Now, the Tax Foundation is drafting a report on the demographics of the top 1 percent of taxpayers in America. These are the so-called, quote unquote, ''millionaires.'' And they are millionaires. For example, 83 percent of taxpayers with an income above $1 million have it from business income. Well, what does that mean? It means that they are the people that are out there creating jobs. Many of these jobs that we have seen on the charts here tonight are created by small business. 83 percent of these people are small business owners, pure and simple.

If you look at the statistics, 13.2 percent of them are in finance, real estate, or insurance. 8.1 percent of them are in manufacturing of durable goods. 6.9 percent of them are in educational services. 6.8 percent of them are in medical, except hospitals.

□ 2340

We have 6.0 percent of them that are business and repairs, including computer processing and business services, and 4.9 of them are in construction/manufacturing.

These other categories include agricultural, farming in other words, mining, utilities, wholesale trade, retail trade. These are small business owners, and in Kansas, it is four out of five jobs.

Now, if you look at Kansas, you will find that in Wichita, for example, it has the largest facility owned by Boeing outside the State of Washington. We also have Raytheon which owns Beech aircraft where they make Beech jets, many different models, and also, their single engine aircraft. We also have Cessna, which is owned by Textron. All their aircraft are made in south central Kansas, either in Independence, Kansas, and a majority of them remain right there in Wichita.

We also have Lear jet which is owned by Bombardier where they make the Lear 35, the Lear 45, the Lear 60 and they are looking at some other Bombardier models that are moving in there.

We also have a design shop for Airbus, designing the wing for the A–380, their new huge airplane that is going to be sold to airlines for passenger use. Plus, we have about 150 shops that supply the aircraft industry.

Well, a majority of those shops are just nothing more than small businesses. People look at, well, we have got 12,000 people at Boeing, 12,000 people at Cessna, 8,000 people at Raytheon, 4,000 people at Lear jet, 120 at Airbus, but then you look at all these small shops, and there are more people working in aerospace for small businessmen than there are for all the big corporations.

Well, those are the 83 percent of taxpayers in the top one percent that own those shops and hire those people.

Well, the plan that Mr. KERRY and the gentleman from Wisconsin (Mr. OBEY) have is to raise taxes on those people. What impact will it have when they have less money available to hire people to run their business? It will result in layoffs.

Now, if you have listened to the rhetoric during the presidential campaign, you will find out that the gloom and doom perspective are coming from Mr. KERRY and from the Democrats here in the House, and they have sort of this dark, stormy night view of America. I have sort of the sunshiny day, the optimistic side, where if we can allow people to have a little more in their pocket, where we can allow small businessmen to go out there and invest in their companies, they will do well, they will hire people that will do well, and our

economy will do well, but instead, we have got to go down the path that they want to take us which is to raise taxes, take away jobs.

I found it interesting tonight that the gentleman from Maine created this scenario where rich people, it sounded like they were sitting on a beach somewhere in the Caribbean, sipping their Margaritas or whatever, Margaritaville maybe, and that they were just living a life of leisure and they just had money stuck in their pockets everywhere, and we should take that money away from them and give it to the veterans which are having trouble getting health services. Well, in the last 10 years since I have been here we have doubled the amount of money that veterans are getting for health care, doubled it, more than they did in the previous generation.

But we also realize that these people that they are talking about, the top 1 percent, are not sitting on the beach somewhere drinking a Margarita, they are out there working 60, 70, 80 hours a week. They are creating jobs. They are trying to keep their businesses together. They are giving people opportunities by hiring them, letting them get skills, letting them work, letting them buy clothes for their kids, buy cars for themselves, putting their kids through college. They are letting their employees live the American dream, but that is going to change if Mr. KERRY or the gentleman from Wisconsin (Mr. OBEY) have their way. They are going to take away the money that they have in order to make their businesses healthy and grow.

So, the proposal the Democrats have is to kill the jobs. The tax breaks we have obviously have created jobs by just the charts I showed you earlier. It seems the House Democrats want to bring up a page out of the Kerry economic playbook to raise taxes on job creators and grow the size of government, and Mr. Speaker, Republicans welcome this chance to debate and defeat this job-killing bill tomorrow, along with the spending proposals.

The third thing I wanted to talk to you tonight is something that is very exciting because I showed you how well the economy is doing, but we know we can do better. When things got tough in America, I started talking to the CEOs back in my area, and I met with them several times. I listened to their concerns, their problems, and I realized that they basically control only a couple of different variables in their businesses.

Number one is wages, and that is the thing that we seem to always talk about, and I think the reason we do is probably because unions feel that that is their prime objective in life today. It is not about whether the lights are on or off or how warm it is in the workplace anymore. It is about wages, and they feel like they are unjustified unless they get a good wage package for their workers. That is what they are there for, and what I found is that the employers basically do not mind paying a good wage. They want high quality workers. They are willing to pay for them, but that is one of the few variables they have that they can control. So there is a lot of pressure on employers to try to keep wages down. It is very unfortunate, but I will tell you why later on.

The second thing, though, is overhead. Overhead is a variable. That is how many square feet they have in a building. That is how new of machines they have. That is basically keeping the lights on and having the equipment for their employees to work on. They can control how big the building is. In fact, they can sell it off if they have to. Right now, the Boeing company is looking at selling off a large part of the facility they have in Wichita. They have about 12.5 million square feet under roof in Wichita. They could spin off as much as half of that and have another company buy that, and that would reduce their overhead burden. That is one of the two variables that they have to look at.

The other variables are things that they do not get a vote on. They cannot really have much control over, for example, the health care plan. Right now, employers must have a health care plan to be competitive, but they do not get to vote on how much it grows each year. In fact, some of them have told me in Wichita that the growth in their health care costs for their employees have gone up by 30 percent in the last year, 30 percent. Now, they are looking at ways that they have to increase deductibles, trying to put more of the burden back on the employees. Well, that is a very unfortunate thing, but it is something that they have very little control over.

So what do they do? They look at wages and overhead. The result of that has been a job loss. They have been looking at going overseas because it is more difficult. Well, health care is just one issue.

We have divided the issues up into eight categories. Now, these issues have really been a problem created by Congress over the last generation. They have created costs and expenses that businesses have to put up with just by the sheer structure of the system, and it has limited their ability to do business in America, and it has caused job loss, jobs going overseas.

The eight categories are health care security. We have talked about health care a little bit. The other one is bureaucratic red tape. Educational policy, we call it lifelong learning. Energy self-sufficiency, research and development/innovation. Trade fairness is the sixth one. The seventh one is tax relief and simplification. The last one is ending lawsuit abuse and litigation management.

We have a scorecard on what we have done to change the business environment in America and make it more competitive. We have taken on the first four of these eight issues.

The first one was health care security. With health care security, we passed three pieces of legislation. Let me say up front that we have not solved the problems in health care all together, but we have put policies in place that will help lower the costs. We will not see the same dramatic growth we have seen in the past.

The three pieces of legislation we passed were flexible spending accounts that allowed employees to control part of this money. The employer would set aside an amount of money like $1,000. If the employees did not use that money, they could carry it over to the next year, and by doing that, then eventually, as we worked with this policy, it could be a system where an employee, if they stay healthy their whole lives, they could use that money for long-term health care in their elder years. That is always a worry that people have.

My parents are having that same concern. They have gone out and bought long-term care insurance. It costs them a lot of money a month, and it grieves me because they have to cut back on their lifestyle. It costs them almost $400 a month. My father is 85. My mother is 77. So it is a little difficult for them to fit that in their budget, but they are so worried about being a burden on their children that they have gone out and purchased this insurance.

Well, if an employee working chose a healthy lifestyle, was allowed to put this money away through their working career, it would go into an annuity that could pay for long-term health care insurance through flexible spending accounts.

We also passed medical malpractice liability limits, and that was a very good thing because it limited the amount of liability, and it allowed lower costs for insurance, for physicians and hospitals, and those who provide health care services, and that, in turn, helps keep costs down.

Now, you can look on a State-by-State basis where people have not limited medical malpractice, and we have had some outrageous settlements that have gone way beyond what any medical costs were associated for the loss or the injury and basically made a lot of lawyers rich. Well, this is a reasonable way that we have capped liability costs, and we followed some of the States.

□ 2350

And in those States where this has occurred, they have seen dramatic lower costs in their medical malpractice insurance, and the cost of health care has gone down. It has been a good example. So we adopted here in the Congress and passed medical malpractice liability limits.

We also passed the Small Business Health Fairness Act, or AHPs, associated health plans. These are plans that allow associations to go out and procure, especially small businesses,

through their associations. They can go out and buy health care plans as a group rather than as an individuals.

If you take a small shop, like a small machine shop that is supplying the aircraft industry in Wichita, Kansas, they may have 10 employees. Well, those 10 employees have to buy their own package. The insurance company would come in and assess the risk for those ten employees. But through the associated health plans all the machine shops in Wichita, Kansas, some 40,000 employees, if they bought one package through the AHP it would not just be ten employees they would be looking at, it would be 40,000 employees. That would mean lower rates for all of them.

Because all that has that has to happen in a small shop of, say ten employees, is one of the spouses of one of the employees to contract cancer and go through a long severe medical treatment, and that would drive up the cost for the entire group. It may even make it so expensive they could not afford health the care costs. So by having AHPs, or associated health plans, its allows them to mitigate their costs over a larger group and lower the whole cost.

The next week we addressed the issue of bureaucratic red tape termination, and we focused on OSHA, or the Occupational Safety and Health Administration. We started out with the OSHA Small Business Day in Court, we went to OSHA Review Commission Efficiency Act, then we passed the OSHA Independent Review and OSHA Citations Act, and then we passed the OSHA Small Employer Access to Justice Act, and then we completed the week by passing the Paperwork and Regulatory Improvement Act.

All of this effort was designed to do two things: Number one is to remove the bureaucratic red tape; to limit it. What we found by talking to groups like the National Association of Manufacturers and employers themselves was that these costs are getting buried into our products and they are making us less competitive.

The National Association of Manufacturers says that 14 percent of the cost of any item manufactured in America is regulatory compliance. Well, just imagine if we could just cut that in half. We would be 6 percent more competitive worldwide. And I think that was the goal here.

The second part of what we were trying to do is to look at government agencies and realize that they do not have to work against our employers, against our small business owners, against our employees. They can work with them to achieve a common goal.

We still have legislation pending that will continue this process, but basically it will say to OSHA, let us go out to a facility and work with them to make it safer without any fines. Right now the way the system works is OSHA comes in and they do not leave until they have found something wrong. And it seems like they have to write a fine all of the time. Sometimes they stand off from the work site, through pictures or some kind of a judgment call, and they will decide that they need to assess some fine and they will send it to the employer in the mail. Sometimes they will go to a job site which has a contractor, a general contractor and ten or twelve subcontractors, and they will fine everybody there, even if there is just one of the subcontractors at fault.

Well, the new system we need to put in place would have OSHA go in and say, we have a ladder being improperly used and it is a danger to this work site, so we will educate your workers as to how to place it properly. They can come back in 6 months and see how people are handling ladders. That way both the employer and OSHA achieves the goal of safety on the workplace without assessing fines.

So that is a good place to work through bureaucratic red tape, reducing the amount of red tape and achieving the goals that are necessary.

The next week we went into life-long learning. In order to be competitive around the globe, we have to have people who are preparing themselves for the technical future we have coming up. We need people to be fluent in math and science and in engineering capabilities. They will have to have high-tech degrees. They will also have to be fluent in languages, as we are finding out today.

But we need to have a plan to create an environment so that people can get the skills they need in order to become ready for tomorrow, for the future, because it is going to be more and more technical, not less. So we passed the Teacher Training Enhancement Act, we passed the Priorities for Graduate Studies Act, the Back to Work Incentive Act, and the Workforce Research Investment and Adult Education Act. We had conferees appointed for that legislation.

The next week we went on to energy self-sufficiency. We passed the Energy Policy Act of 2004, the Renewable Energy Project Siting Improvement Act, and the U.S. Refinery Revitalization Act.

It is funny, because we have tried to pass energy policy several times. In fact, I have a chart that shows the activity of the House Republicans and what they have done to pass an energy bill. Back in January 1, 2001, shortly before George Bush took office, gas prices were about $1.32 in America. President Bush sent his energy plan to Congress and it was passed for the first time by the House on August 2, 2002. It then failed across the Capitol. We passed it again on April 11, 2003. We passed it a third time, after it failed again on the other side of the Capitol. We passed it a third time on November 18, 2003, and then we just passed it on June 15, 2004 for a fourth time.

Why is an energy bill so important? It is important because you can see, without it, gas prices are continuing to climb. We are now over $2. We must have a comprehensive plan where we can open up more energy reserves, where we can capitalize on renewable energy, and where we can open up new sites for refineries. We have not built a new refinery since 1976 in America. Even if we could produce more oil right now, we probably could not process it because we need more refineries to do that. So we are going to go into old sites, where old refineries are, and allow them to be opened up.

In the following month of July we are going to take on the last four issues that we have on this package of careers for the 21st century. We are going to take on tax relief and simplification. We are going to try to set up a system that is not so volatile in the way that it approaches businesses.

There is one success story I want to briefly mention before I run out of time, and it is called accelerated depreciation. In the aircraft industry, when you sell a business jet, it can cost $6 million. Well, through accelerated depreciation they can write off two-thirds of that aircraft in the very first year. Now, I have heard people on the other side of the aisle talk about what a great tax break for rich individuals and corporations that is. What they do not talk about, though, is all the jobs that are created in America.

Cessna Aircraft, which has seen the greatest benefit from accelerated depreciation, has sold every aircraft they had in the backlog, they are now building jets that are already sold, and it has put all their laid-off workers back to work, plus they have hired an additional 400 people. It is a jobs act. We need to get some more tax relief that will create more jobs in America, because we can do better.

Then we are going to move on to trade fairness and opportunity so that we can have a fair and equal trade policy and an enforceable trade policy. Then we are going to look at research and development and how we can spur innovation, and we are going to complete this with ending lawsuit abuse.

One of the beautiful things about trying to limit litigation is that, again, it will create jobs. And a good example back in the Fourth District of Kansas, back in 1994, Congress passed the statute of limitations which said basically that you cannot sue an airplane manufacturer for the design of the airplane after it has been flying for 23 years, if it is a heavy jet, or 18 years if it is a smaller aircraft. Now, think about that. If an airplane has been flying for 18 years, there is nothing wrong with the design. Yet every time a plane went down, these aircraft manufacturers always had to have some kind of defense system.

In fact, Raytheon told me that at Beech it cost them $300,000 for every crash, whether they were sued or not. So limiting liability is a very important part because, again, it will create jobs in America.

Well, these barriers, these eight barriers have been put in place by Congress. We can change the environment. The results of changing this environment will mean more jobs here in America, and it means we will have greater exports, we will be more competitive worldwide, and we will have a brighter future for ourselves and our children.

So, Mr. Speaker, I thank the staff tonight and the Speaker for hanging around. I think this is a very important issue, and I think it is the right debate to be having today.

RECESS

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

Accordingly (at midnight), the House stood in recess subject to the call of the Chair.

□ 0800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 8 a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4663, SPENDING CONTROL ACT OF 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–566) on the resolution (H. Res. 692) providing for consideration of the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–567) on the resolution (H. Res. 693) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today and the balance of the week on account of illness in the family.

Mr. ISRAEL (at the request of Ms. PELOSI) for today on account of attending his daughter's graduation.

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. RYAN of Ohio) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, June 24.

Mr. OSBORNE, for 5 minutes, June 24.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

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. 3378. An act to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

H.R. 3504. An act to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

H.R. 4322. An act to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes.

H.R. 4589. An act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1848. An act to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administrative Site in the State of Oregon.

S. 2238. An act to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 2 minutes a.m.), the House adjourned until today, Thursday, June 24, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8722. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General James E. Cartwright, United States Marine Corps, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8723. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Former Yugoslav Republic of Macedonia (Transmittal No. 02–04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8724. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

8725. 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 France, Belgium, Germany and the United Kingdom (Transmittal No. DDTC 037–04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8726. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International 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 the risk of nuclear proliferation created by the accumulation of weapons-usablefissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

8727. A letter from the Secretary, Department of Education, transmitting the thirtieth Semiannual Report to Congress on Audit Follow-Up, covering the six-month period ending March 31, 2004 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8728. A letter from the Secretary, Smithsonian Institution, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Institution's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8729. A letter from the Director of Congressional Relations, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8730. A letter from the Secretary, Department of Education, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, and the Office of Management and Budget Memorandum 04–07, the Department's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8731. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8732. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2003, through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8733. A letter from the Managing Director, Federal Home Loan Banks, transmitting the 2003 management reports of the 12 Federal Home Loan Banks (FHLBanks), Resolution Funding Corporation (REFCORP) and the Financing Corporation (FICO), pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8734. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8735. A letter from the Executive Director for Operations, Nucelar Regulatory Commission, transmitting a report on Year 2003 Inventory of Commercial Activities and Inherently Governmental Functions, in accordance with the Federal Activities Inventory Reform Act (FAIR) of 1998 and with the Office of Management and Budget (OMB) Circular No. A–76, ''Performance of Commercial Activities''; to the Committee on Government Reform.

8736. A letter from the Assistant Secretary For Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To modify the boundary of the Seip Earthwood unit of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes''; to the Committee on Resources.

8737. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To revise the designation of wilderness areas in Cumberland Island National Seashore, and for other purposes''; to the Committee on Resources.

8738. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Excelsior Springs, MO. [Docket No. FAA–2004–17147; Airspace Docket No. 04–ACE–13] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8739. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Gideon, MO. [Docket No. FAA–2004–17150; Airspace Docket No. 04–ACE–16] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8740. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cassville, MO. [Docket No. FAA–2004–17152; Airspace Docket No. 04–ACE–18] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8741. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Moberly, MO. [Docket No. FAA–2004–17420; Airspace Docket No. 04–ACE–21] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8742. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Gothenburg, NE. [Docket No. FAA–2004–17423; Airspace Docket No. 04–ACE–24] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8743. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Johnson, KS. [Docket No. FAA–2004–17151; Airspace Docket No. 04–ACE–17] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8744. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Platinum, AK [Docket No. FAA–2003–17042; Airspace Docket No. 04–AAL–03] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8745. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wales, AK [Docket No. FAA–2004–17019; Airspace Docket No. 04–AAL–02] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8746. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fulton, MO. [Docket No. FAA–2004–17149; Airspace Docket No. 04–ACE–15] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8747. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 2002–NM–204–AD; Amendment 39–13617; AD 2004–09–27] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8748. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Denton, TX [Docket No. FAA–2004–17261; Airspace Docket No. 2004–ASW–09] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8749. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Galliano, LA [Docket No. FAA–2004–17259; Airspace Docket No. 2004–ASW–07] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8750. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Clayton, NM [Docket No. FAA–2004–17260; Airspace Docket No. 2004–ASW–08] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8751. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Wahoo, NE. [Docket No. FAA–2004–17725; Airspace Docket No. 04–ACE–37] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8752. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Ogallala, NE. [Docket No. FAA–2004–17724; Airspace Docket No. 04–ACE–36] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8753. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; North Platte, NE. [Docket No. FAA–2004–17723; Airspace Docket No. 04–ACE–35] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8754. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Restricted Area 5115, NM; and Restricted Areas 6316, 6317, and 6318, TX [Docket No. FAA–2004–17612; Airspace Docket No. 04–ASW–03] (RIN: 2120–AA66) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8755. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Restricted Area 2204, Oliktok Point; AK [Docket No. FAA–2003–15410; Airspace Docket No. 03–AAL–1] (RIN: 2120–AA66) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8756. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lynchburg, VA [Docket No. FAA–2004–17296; Airspace Docket No. 04–AEA–03] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8757. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; McCook, NE. [Docket No. FAA–2004–17722; Airspace Docket No. 04–ACE–34] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8758. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Mosby, MO. [Docket No. FAA–2004–17721; Airspace Docket No. 04–ACE–33] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8759. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Oshkosh, NE. [Docket No. FAA–2004–17427; Airspace Docket No. 04–ACE–27] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8760. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Federal Airway 137. [Docket No. FAA–2003–16437; Airspace Docket No. 03–AWP–02] (RIN: 2120–AA66) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8761. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule—Establishment of Class E Airspace; Hamilton, MT. [Docket No. FAA 2003–16070; Airspace Docket 03–ANM–05] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8762. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes [Docket No. 2003–NM–50–AD; Amendment 39–13675; AD 2004–12–15] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8763. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 2003–NM–56–AD; Amendment 39–13674; AD 2004–12–14] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8764. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 and –11F Airplanes [Docket No. 2003–NM–75–AD; Amendment 39–13668; AD 2004–12–09] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8765. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001–NM–321–AD; Amendment 39–13633; AD 2004–10–03] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8766. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model EC 130 B4 and AS 350 B3 Helicopters [Docket No. 2003–SW–29–AD; Amendment 39–13650; AD 2004–11–05] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8767. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2003–NM–18–AD; Amendment 39–13647; AD 2004–11–02] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8768. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lycoming Engines (formerly Textron Lycoming), Direct-Drive Reciprocating Engines [Docket No. 89–ANE–10–AD; Amendment 39–13644; AD 2004–10–14] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8769. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher GmbH & Co. Segelflugzeugbau Model ASH 25M Sailplanes [Docket No. 2003–CE–64–AD; Amendment 39–13638; AD 2004–10–08] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8770. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GARMIN International Inc. GTX 330 Mode S Transponders and GTX 330D Diversity Mode S Transponders [Docket No. 2003–CE–39–AD; Amendment 39–13645; AD 2004–10–15] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8771. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes Equipped with Certain Honeywell Start Converter Units [Docket No. 2001–NM–291–AD; Amendment 39–13640; AD 2004–10–10] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. 1156. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project (Rept. 108–562). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 646. A bill to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes; with an amendment (Rept. 108–563). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 142. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; with amendments (Rept. 108–564). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4056. A bill to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation; with an amendment (Rept. 108–565 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on International Relations discharged from further consideration. H.R. 4056 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[Submitted June 24 (legislative day, June 23), 2004]

Mr. HASTINGS of Washington: Committee on Rules. House Reslution 692. Resolution providing for consideration of the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009 (Rept. 108–566). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 693. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–567). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4056. Referral to the Committee on International Relations extended for a period ending not later than June 23, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan:

H.R. 4651. A bill to establish a Federal interagency task force to promote the benefits, safety, and potential uses of agricultural biotechnology outside the United States to improve human and animal nutrition, increase crop productivity, and improve agricultural sustainability while ensuring the safety of food and the environment, and for other purposes; to the Committee on International Relations.

By Mr. NUSSLE (for himself and Mr. LATHAM):

H.R. 4652. A bill to amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether as a fuel additive, to require Federal fleet vehicles to use ethanol fuel, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 4653. A bill to amend the Internal Revenue Code of 1986 to provide that the medical expenses of a child with special needs shall be allowable as a medical expense deduction without regard to the 7.5 percent adjusted gross income threshold; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. LANTOS, Mr. BALLENGER, Mr. ROYCE, Ms. ROS-LEHTINEN, Mr. LEACH, Mr. GALLEGLY, Mr. WEXLER, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. CHABOT, Mr. HOUGHTON, Mr. WELLER, Mr. BROWN of Ohio, Mr. PICKERING, Mr. OXLEY, Mr. CARDIN, Ms. SLAUGHTER, Mr. CAMP, Mr. TANNER, Mr. HOBSON, Mr. SHAW, Mr. FORD, Mr. EHLERS, Mr. LATOURETTE, Mr. GUTIERREZ, Mr. ENGLISH, Ms. PRYCE of Ohio, Mr. TIBERI, and Mrs. TAUSCHER):

H.R. 4654. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes; to the Committee on International Relations.

By Mr. MCGOVERN (for himself and Mr. LANTOS):

H.R. 4655. A bill to amend the Internal Revenue Code of 1986 to provide to employers a tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 4656. A bill to provide for the establishment of the Nanomanufacturing Investment Partnership, and for other purposes; to the Committee on Science.

By Mr. TOM DAVIS of Virginia (for himself and Mr. HOYER):

H.R. 4657. A bill to amend the Balanced Budget Act of 1997 to improve the administration of Federal pension benefit payments for District of Columbia teachers, police officers, and fire fighters, and for other purposes; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 4658. A bill to amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act; to the Committee on Veterans' Affairs.

By Mr. BROWN of South Carolina (for himself, Mr. MICHAUD, and Mr. SMITH of New Jersey):

H.R. 4659. A bill to amend chapter 43 of title 38, United States Code, to extend the period for which an individual may elect to continue employer-sponsored health care coverage under the Uniform Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. BERMAN, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, Mr. BROWN of Ohio, Mr. BALLENGER, Mr. ENGEL, Mr. HOUGHTON, Mr. MEEKS of New York, Mr. GREEN of Wisconsin, Ms. LEE, Mr. WELLER, Mr. CROWLEY, Mr. MCCOTTER, Mr. HOEFFEL, Mr. BLUMENAUER, Mr. SCHIFF, and Ms. MCCOLLUM):

H.R. 4660. A bill to amend the Millennium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that Act; to the Committee on International Relations.

By Mr. GOODLATTE (for himself, Ms. LOFGREN, and Mr. SMITH of Texas):

H.R. 4661. A bill to amend title 18, United States Code, to discourage spyware, and for other purposes; to the Committee on the Judiciary.

By Mr. SHADEGG (for himself, Mr. BARTLETT of Maryland, Mr. CANNON, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. FEENEY, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. OTTER, Mr. PENCE, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SMITH of New Jersey, Mr. TOOMEY, and Mr. WILSON of South Carolina):

H.R. 4662. A bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce.

By Mr. NUSSLE:

H.R. 4663. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending limits and a pay-as-you-go requirement for mandatory spending; to the Committee on the Budget.

By Mr. BLUMENAUER (for himself, Mr. GEORGE MILLER of California, Mr. GREENWOOD, and Mr. WU):

H.R. 4664. A bill to direct the Secretary of Education to provide grants to establish sustainability centers, charged with developing and implementing integrated environmental, economic, and social sustainability programs through administrative and operational practices as well as multidisciplinary research, education, and outreach at institutions of higher education; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself and Ms. HARRIS):

H.R. 4665. A bill to protect America's food supply and facilitate lawful importation of safe and unadulterated food products; to the Committee on Energy and Commerce.

By Mr. DINGELL:

H.R. 4666. A bill to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 4667. A bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project, and for other purposes; to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. GALLEGLY):

H.R. 4668. A bill to designate the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the ''Bob Hope Memorial Library''; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 4669. A bill to require the Secretary of the Treasury to mint coins in commemoration of Ronald Wilson Reagan, the 40th President of the United States; to the Committee on Financial Services.

By Mr. HOLT (for himself, Mr. HOUGHTON, Mr. BOEHLERT, Mr. MORAN of Virginia, Mr. HONDA, Mr. GORDON, Mr. MCDERMOTT, Mr. WAXMAN, Mr. OLVER, Mr. GREENWOOD, Mr. CASTLE, Mr. VAN HOLLEN, Mr. FROST, Mr. BERMAN, Mr. RUPPERSBERGER, and Mr. EHLERS):

H.R. 4670. A bill to provide for the establishment of a Center for Scientific and Technical Assessment; to the Committee on Science.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. DUNN, Ms. SLAUGHTER, Mrs. CAPITO, Ms. SOLIS, Ms. GINNY BROWN-WAITE of Florida, Mrs. MALONEY, Mrs. BIGGERT, Mr. HOBSON, Mr. OSBORNE, and Ms. SCHAKOWSKY):

H.R. 4671. A bill to authorize assistance for education and health care for women and children in Iraq during the reconstruction of Iraq and thereafter, to authorize assistance for the enhancement of political participation, economic empowerment, civil society, and personal security for women in Iraq, to state the sense of Congress on the preservation and protection of the human rights of women and children in Iraq, and for other purposes; to the Committee on International Relations.

By Mr. KENNEDY of Rhode Island (for himself and Mr. LANGEVIN):

H.R. 4672. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Rhode Island; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA:

H.R. 4673. A bill to require warning labels on consumer products containing radio frequency identification devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY:

H.R. 4674. A bill to prohibit the return of persons by the United States, for purposes of detention, interrogation, or trial, to countries engaging in torture or other inhuman treatment of persons; to the Committee on International Relations.

By Mrs. MYRICK:

H.R. 4675. A bill to amend the Caribbean Basin Economic Recovery Act to increase the quantity of T-shirts that may receive duty-free treatment during the 1-year period beginning October 1, 2003; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. DAVIS of Illinois, Mr. SOUDER, Mrs. JONES of Ohio, Mr. CHABOT, and Mr. CANNON):

H.R. 4676. 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; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself and Mr. LANTOS):

H. Con. Res. 462. Concurrent resolution reaffirming unwavering commitment to the Taiwan Relations Act, and for other purposes; to the Committee on International Relations.

By Mr. FILNER:

H. Con. Res. 463. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor law enforcement officers killed in the line of duty; to the Committee on Government Reform.

By Mr. HAYES (for himself, Mr. HOSTETTLER, Mr. DEFAZIO, Mr. NETHERCUTT, Mr. HOBSON, Mr. PETERSON of Minnesota, Mr. MEEK of Florida, Mr. DEUTSCH, Mr. CARDOZA, Mr. MOLLOHAN, and Mr. HINOJOSA):

H. Con. Res. 464. Concurrent resolution honoring the 10 communities selected to receive the 2004 All-America City Award; to the Committee on Government Reform.

By Mr. CONYERS (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. DINGELL, Mr. OBEY, Mr. RANGEL, Mr. WAXMAN, Mr. SKELTON, Mr. LANTOS, and Mr. HINCHEY):

H. Res. 689. A resolution of inquiry requesting the President and directing certain other Federal officials to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the treatment of prisoners or detainees in Iraq, Afghanistan, or Guantanamo Bay; to the Committee on Armed Services.

By Mr. WAXMAN (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. SKELTON, Mr. DINGELL, Mr. CONYERS, Mr. OBEY, Mr. RANGEL, Mr. HINCHEY, and Mr. SPRATT):

H. Res. 690. A resolution creating a select committee to investigate the abuses of detainees held in United States custody in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or any operation within the Global War on Terrorism, in particular those abuses that have been documented by thousands of photographs and on video at Abu Ghraib prison; to the Committee on Rules.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. HUNTER, and Mr. SKELTON):

H. Res. 691. A resolution congratulating the Interim Government of Iraq on its forthcoming assumption of sovereign authority in Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 290: Mr. DINGELL and Mr. MCCOTTER.
H.R. 296: Mr. RAHALL and Mr. PICKERING.
H.R. 584: Mr. MCINTYRE.
H.R. 742: Mr. FRANKS of Arizona and Ms. BORDALLO.
H.R. 775: Mr. FEENEY.
H.R. 936: Mr. GUTIERREZ.
H.R. 1051: Mrs. TAUSCHER.
H.R. 1160: Mr. ALEXANDER.
H.R. 1231: Mr. KLINE.
H.R. 1310: Mr. BISHOP of Georgia.
H.R. 1357: Mr. BISHOP of Georgia.
H.R. 1504: Mr. BARTLETT of Maryland.
H.R. 1587: Mr. MCCOTTER.
H.R. 1716: Mr. SANDLIN.
H.R. 1726: Mr. JONES of North Carolina.
H.R. 1755: Mr. ROGERS of Alabama.
H.R. 1769: Mr. OLVER and Mr. PAYNE.
H.R. 2096: Mr. CHANDLER.
H.R. 2217: Mr. BISHOP of Georgia.
H.R. 2256: Mr. PETERSON of Minnesota.
H.R. 2260: Mr. TANCREDO and Ms. SOLIS.
H.R. 2311: Mr. MCCOTTER.
H.R. 2505: Mr. WAXMAN.
H.R. 2699: Mr. GORDON, Mr. ISRAEL, and Mr. HEFLEY.
H.R. 2711: Mr. RUPPERSBERGER, Mr. CUMMINGS, and Mr. THOMPSON OF MISSISSIPPI.
H.R. 2735: Mr. LUCAS of Kentucky and Mr. HOEFFEL.
H.R. 2814: Mr. MATSUI.
H.R. 2890: Mr. GREEN of Wisconsin.
H.R. 3085: Mr. VITTER.
H.R. 3148: Mr. JOHNSON of Illinois, Mr. HALL, Mr. MURPHY, Ms. MCCARTHY of Missouri, Mr. HAYWORTH, Mr. ENGLISH, Ms. GINNY BROWN-WAITE of Florida, Mr. CONYERS, Mrs. CAPITO, Mr. LEWIS of California, Mr. RANGEL, Mr. ACEVEDO-VILLA, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. BEAUPREZ, Mr. ENGEL, Mr. HYDE, Mr. MORAN of Kansas, Mr. KIND, and Ms. KAPTUR.
H.R. 3313: Mr. MCCOTTER and Mr. JENKINS.
H.R. 3384: Mr. RUPPERSBERGER, Mr. WEXLER, and Mr. WAXMAN.
H.R. 3450: Mr. GUTIERREZ and Mr. UDALL of Colorado.
H.R. 3574: Mr. EHLERS.
H.R. 3579: Mr. MILLER of Florida and Ms. LORETTA SANCHEZ of California.
H.R. 3609: Mr. DUNCAN.
H.R. 3683: Mrs. MCCARTHY of New York.
H.R. 3693: Mr. NADLER.
H.R. 3780: Mr. BROWN of Ohio, Mr. GUTIERREZ, and Ms. ESHOO.
H.R. 3801: Mr. KLINE.
H.R. 3809: Mr. PALLONE, Mr. SANDERS, and Mr. MARKEY.
H.R. 3814: Mr. RENZI.
H.R. 3815: Mr. GONZALEZ and Mr. LEWIS of Georgia.
H.R. 3831: Mr. INSLEE.
H.R. 3845: Mr. BRADY of Pennsylvania.
H.R. 3921: Ms. BORDALLO.
H.R. 3953: Mr. LARSEN of Washington.
H.R. 3974: Mr. CUMMINGS, Ms. WATERS, and Mr. KUCINICH.
H.R. 3988: Mr. GONZALEZ and Ms. WOOLSEY.
H.R. 4003: Mr. GUTIERREZ.
H.R. 4155: Mr. SCHIFF.
H.R. 4205: Ms. ROS-LEHTINEN and Mr. OWENS.
H.R. 4242: Mr. FRANKS of Arizona.
H.R. 4262: Mr. MCDERMOTT, Ms. WOOLSEY, Ms. LEE, Mrs. JONES of Ohio, and Ms. DELAURO.
H.R. 4290: Mr. INSLEE.
H.R. 4334: Mr. HASTINGS of Florida.
H.R. 4343: Mr. MANZULLO.
H.R. 4348: Ms. LEE, Mr. MCDERMOTT, and Mr. GUTIERREZ.
H.R. 4350: Mr. GUTIERREZ.
H.R. 4367: Mr. SANDLIN.
H.R. 4391: Mr. OWENS, Ms. GINNY BROWN-WAITE of Florida, and Mr. SESSIONS.
H.R. 4394: Mr. MCGOVERN.
H.R. 4414: Ms. BERKLEY.
H.R. 4426: Mr. SMITH of New Jersey, Mr. PITTS, and Mr. ADERHOLT.
H.R. 4433: Ms. MAJETTE, Mrs. KELLY, Mr. THOMPSON of Mississippi, Mr. MEEKS of New York, Mr. LEACH, Mr. FRANK of Massachusetts, and Mr. LARSEN of Washington.
H.R. 4440: Mr. SHIMKUS, Mr. MCHUGH, and Mr. SIMPSON.
H.R. 4448: Mr. WEXLER.
H.R. 4504: Mr. CANTOR and Mr. PRICE of North Carolina.
H.R. 4533: Mr. PASTOR.
H.R. 4573: Ms. HARMAN.
H.R. 4574: Ms. HARMAN.
H.R. 4575: Mr. FRANK of Massachusetts.
H.R. 4578: Mr. SESSIONS and Mr. SMITH of Washington.
H.R. 4592: Mr. RANGEL.
H.R. 4600: Mr. LEWIS of Kentucky, Mr. TIBERI, Mr. STRICKLAND, and Mr. GOODE.
H.R. 4626: Mr. SANDLIN and Ms. DUNN.
H.R. 4628: Mr. BOUCHER, Mr. PASTOR, and Mr. MATSUI.
H.R. 4629: Mr. FOSSELLA and Mr. SAXTON.
H.R. 4634: Mr. BLUNT, Mr. ROGERS of Michigan, Mr. CUNNINGHAM, Mr. KING of New York, Ms. NORTON, and Mrs. CAPITO.
H.R. 4640: Mr. ENGLISH.
H. Con. Res. 111: Ms. MILLENDER-MCDONALD.
H. Con. Res. 218: Mr. TIBERI.
H. Con. Res. 304: Mr. PRICE of North Carolina and Mr. MEEHAN.
H. Con. Res. 366: Mr. CHANDLER.
H. Con. Res. 392: Ms. BORDALLO and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 399: Mr. GUTIERREZ.
H. Con. Res. 422: Mr. MCCOTTER.
H. Con. Res. 425: Ms. MCCOLLUM.
H. Con. Res. 436: Ms. JONES of Ohio and Mr. MCCOTTER.
H. Con. Res. 459: Mr. HOLDEN, Mr. SHUSTER, Mr. FORD, and Mr. MURTHA.
H. Res. 129: Mr. LOWEY.
H. Res. 471: Mr. CLAY.
H. Res. 567: Mr. BISHOP of Georgia and Mr. MENENDEZ.
H. Res. 596: Mr. LATOURETTE.
H. Res. 650: Mr. ISRAEL.
H. Res. 652: Mr. DEUTSCH, Mr. BERMAN, Mr. BLUMENAUER, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. KING of New York, Mr. LEACH, Mr. SMITH of New Jersey, Mrs. JO ANN DAVIS of Virginia, Mr. ENGEL, and Mr. BELL.
H. Res. 667: Mr. BAKER, Mr. MENENDEZ, and Mr. MCCOTTER.
H. Res. 673: Mr. FROST.
H. Res. 676: Mr. HOLT and Mr. BACHUS.
H. Res. 688: Mr. NEAL of Massachusetts, Mr. KENNEDY of Rhode Island, Ms. ROS-LEHTINEN, and Mr. PORTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1205: Mr. CARSON of Oklahoma.
H.R. 3720: Mr. WEXLER.
H.R. 3800: Mr. DAVIS of Tennessee.
H.R. 4107: Mr. DAVIS of Tennessee.

PETITIONS, ETC.

Under clause 3 of rule XII,

91. The SPEAKER presented a petition of Mr. Gregory D. Watson, a Citizen of Austin, Texas, relative to a petition urging the United States Congress to enact legislation that would reinstate the $500 paper currency denomination, bearing the likenesses of the late President Reagan and the United States Supreme Court Building; which was referred to the Committee on Financial Services.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4614

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $279,880,000.

H.R. 4614

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 2: Page 38, line 11, after the dollar amount, insert the following: ''(reduced by $28,500,000)''.

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Vol. 150 WASHINGTON, WEDNESDAY, JUNE 23, 2004 No. 88—Part II

Senate

(Legislative day of Tuesday, June 22, 2004)

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

Mrs. DOLE. Mr. President, I wonder if I might engage the distinguished Chairman in a brief colloquy.

Mr. WARNER. Certainly.

Mrs. DOLE. I thank my colleagues. Mr. President, as a member of the Personnel Subcommittee, I am acutely sensitive to the enormous challenges confronting our National Guard and Reserve forces, and their families, as they are called upon to defend our Nation in the war on terrorism. North Carolina is at the forefront of National Guard and Reserve mobilizations, with 31 percent of our State's 23,300 National Guard and Reserve members currently mobilized.

The University of North Carolina, in partnership with a wide range of universities and community organizations, is developing a National Demonstration Program for Citizen-Soldier Support to augment, strengthen, and refine the existing framework of support for National Guard and Reserve personnel, and their families. The objectives of the demonstration program are to strengthen communication and information dissemination; strengthen community support systems; strengthen support systems for children and adolescents; strengthen health and mental health care systems; strengthen employment support networks; and address proactively emerging issues of importance to our personnel and their families. This National Demonstration Program of Citizen-Soldier Support has been presented to a wide variety of civilian and military leaders, and has been uniformly supported as timely, substantive, and highly promising as an adjunct to existing Department of Defense programs and services.

Unfortunately, as a relatively new initiative, this National Demonstration Program for Citizen-Soldier Support was not included as part of the President's budget request and was not authorized within the bill now before the Senate. It is my understanding that the decision to not include the National Demonstration Program for Citizen-Soldier Support in the FY05 Defense Authorization bill was not made with prejudice to the program but, rather, was based on the emerging nature of the structure and deliverables associated with this program—a program that is focusing on how to best assist our Reservists and their families in their newly emerging roles in the war on terror.

Mr. WARNER. Mr. President, the Senator from North Carolina is correct. At the time that the Armed Services Committee was preparing its mark, there was not sufficient data available concerning the specific elements of the proposed program, and its interrelationship with other existing and emerging programs within the Department, to fully assess the merits of the National Demonstration Program for Citizen-Soldier Support. The absence of this proposed program in the bill should not be interpreted as a negative assessment.

Mrs. DOLE. I thank the Chairman. I might also ask the Chairman if he would agree with me that our Nation's security depends on the mission-readiness and retention of our citizen-soldiers, and that for the total force to function effectively, we must make certain that these men and women, their families, and employers have needed support while they prepare for, carry out, and eventually return from active military service.

Mr. WARNER. I would agree wholeheartedly with the Senator from North Carolina's statement. At at time when we are relying more and more on our National Guard and Reserve forces to defend our national security, we must continue to provide direct and substantive support to these personnel and their families.

Mrs. DOLE. I thank the distinguished Chairman. Given this concurrence on the importance of ensuring necessary and effective support for our National Guard and Reserve families, I ask the Chairman if he would be willing to support my effort to bring this proposed Demonstration Program for Citizen-Soldier Support to the attention of the appropriate Department of Defense offices. This effort will require modifying elements of the proposed program, where appropriate, to maximize synergies with ongoing Department of Defense initiatives and exploring options within the defense budget for funding implementation of the program.

Mr. WARNER. I commend the distinguished Senator from North Carolina for her steadfast advocacy for our men and women in uniform, and their families, and I would be pleased to work with her on this important issue.

Mrs. DOLE. I thank the distinguished Chairman for his courtesy.

Mr. ALLEN. Mr. President, I wonder if I might take just a minute to ask the Chairman whether I am correct that developing a reliable, automated three-dimensional facial recognition capability has significant implications for our fight against terrorism and would be of great interest to the defense, intelligence and transportation security agencies.

Mr. WARNER. Yes, that is certainly my understanding.

Mr. ALLEN. I also understand that one very promising approach would be to use laser radar to acquire such a three-dimensional image. This technology is highly accurate, and is already used in industrial applications to measure such things as minute imperfections in airplane wings. Unlike more traditional photography, it also would work in a greater variety of lighting

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

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conditions and at a much greater distance. It also has the advantage of avoiding allegations of racial profiling because it makes no use of skin color, instead measuring facial features.

Mr. WARNER. I understand that accuracy has been a problem with some systems developed to date so new approaches would be welcomed.

Mr. ALLEN. Does the Chairman agree it would be worthwhile to explore taking existing industrial technology and applying it to the problem of quickly and reliably identifying at a distance moving individuals at such locations as airports and border crossings?

Mr. WARNER. Yes, I think that if there were funding for such a development project it offers the prospect of significant security benefits.

AFRTS

Mr. WARNER. In discussions with my good friend and colleague, Senator INHOFE, I have been made aware of the fact that questions have arisen about the intent of amendment 3316 regarding the American Forces Radio and Television Service, or AFRTS, submitted by Senator HARKIN. That amendment to the pending legislation was accepted on June 14, 2004.

Mr. INHOFE. That is correct. Numerous concerns have been expressed from my home State, and, I believe, many other States, about this amendment. There is a belief that this amendment is intended to be critical of the AFRTS and the manner in which it makes current programming decisions regarding radio and television shows featuring political commentary.

Mr. WARNER. Thank you for offering me the opportunity to clarify this point. In my view, the intent of this amendment was not to call into question the performance of the AFRTS. Indeed, as my staff and I examined the proposed amendment originally submitted by Senator HARKIN, we saw that it called for the establishment of a Presidential Advisory Board to examine the manner in which AFRTS carries out its mission and to submit recommendations on how the AFRTS should carry out programming. As we looked at the manner in which the Office of the Secretary of Defense for Public Affairs and AFRTS perform its mission, however, it became clear that the case had not been made that changes were necessary or that such an Advisory Board was needed.

Mr. INHOFE. Is it correct to say, then, that this Harkin amendment expressing the sense of the Senate was actually intended to be an expression of support for the current approach of the Department of Defense to the AFRTS which provides programming representing a cross-section of popular American radio and television offerings and emulating stateside programming seen and heard in the United States?

Mr. WARNER. Absolutely. The amendment cites word for word relevant portions of the current Department of Defense Directive concerning AFRTS, including a statement of the mission to be accomplished and the key principles that should be followed in order to provide a free flow of political programming from U.S. commercial and public networks. The amendment specifically states that the mission statement is appropriate. Recognizing that there are several hundred satellite stations or ''outlets'' around the globe at which programming decisions are made on a daily basis, the amendment goes on to recommend that the Secretary of Defense ensure that these important principles, which can be summarized as fairness and balance in presenting shows on various topics, including political commentary, are being accomplished.

Mr. INHOFE. Is it correct to say that those who make the programming decision for AFRTS have an obligation to consider the popularity and desirability of radio and television programming? In other words, should the AFRTS take note of national commercial ratings as well as local and worldwide formal audience surveys as to what their audience desires to see and hear on their AFRTS programming?

Mr. WARNER. Yes. That would clearly be one factor among several that should be considered, consistent with the goal of providing the same type and quality of American radio and television news, information, and entertainment that would be available to military personnel and their families if they were in the continental United States. Other factors should also be considered in achieving the AFRTS goals of fairness and balance in presenting all sides of important public questions, and the amendment was intended to underscore the importance of those goals.

Mr. INHOFE. I thank the chairman for that clarification.

AIR NATIONAL GUARD

Mr. BIDEN. I would like to take a moment to engage the Senator from Michigan in a discussion about information operations in the Air National Guard. Before we begin, I would also like to thank my colleague for his willingness to have this discussion on an issue of great importance to national security and to many of the Air National Guard personnel in my State.

Let me start by saying that I think most of my colleagues understand that while the world today has changed, some things have stayed the same. When you are trying to stop terrorists, just like organized crime, you have to follow the money. These days, in order to follow the money, you have to have the very best in information operations skills. You have to understand the computerized financial networks and security systems used by financial institutions. In addition, you have to be able to protect your own information. This is a critical aspect of the war on terrorism and one where the Government needs more capability.

Last year, the Defense Authorization Conference Report provided 30 additional Air Guard personnel that we had hoped would be used to stand up a new unit in Delaware to do this mission. This year, Senator CARPER and I had hoped to finish that work by providing a total of 60 personnel for that unit. Unfortunately, we are not able to do that because the Department of Defense has not evaluated this proposal to determine whether it is a mission that should be assigned to the Air National Guard.

We understand that the Department of Defense has an established process for assigning missions and determining the manning necessary to support those missions. Expanding the information operations capability of a unit or units within the Air National Guard has not been considered through this process.

Mr. LEVIN. My colleague from Delaware is correct. The Department of Defense has a rigorous process for determining whether a new mission should be assumed as a military mission and that expansion of the information operations capability of the Air National Guard has not been considered by this process. Additionally, the Department of Defense is conducting a complete review of the Guard's roles and missions right now.

Mr. BIDEN. I hope that we can agree that the Department's review should include an examination of using the Air National Guard for emerging missions like information operations.

Mr. LEVIN. I can commit to the Senator from Delaware that I will do all that I can to ensure that this area is included in the Department's review and given full consideration.

Mr. BIDEN. I also hope that we will have their input regarding the mission and its suitability for the Air Guard before we take up next year's Defense Authorization bill. I would also like to make sure that the consideration of this particular mission takes into account the unique skills present in the Delaware Air National Guard and the work that they have already done in this area.

Mr. LEVIN. Again, I commit to my colleague that we will work with him and the Department of Defense to get that thorough and timely consideration.

Mr. BIDEN. I thank my colleague for those assurances and look forward to working with him over the next year to make sure our information operations needs are met.

Now, let me explain why I think it is so important to stand this unit up in Delaware.

Delaware is uniquely situated to provide the skills needed for information assurance and financial tracking. Delaware is host to 7 of the top 10 banking institutions in the U.S. Delaware also has the highest amount of computer networking per capita of any State. In addition, major research companies like DuPont and Astra-Zeneca make their headquarters in Delaware. Last, Delaware has the highest number of

scientists and engineers per capita in the U.S.

All of those statistics mean that many members of Delaware's Air National Guard have civilian employment in banks or other institutions. They understand what is required to protect financial information and to track it. They are on the cutting-edge of information protection today.

Their skills cannot be used by the Government, however, because banks and financial institutions are very sensitive about the employees of other banks reviewing their financial transactions. To do this type of work, a person must be a Government employee. One of the best ways to provide the benefit of these private sector skills to Government agencies fighting terror is through the National Guard. Guard personnel stay on the cutting edge of these skills because of their private sector jobs. They can then provide that knowledge to the Government, something that a civilian government employee cannot do.

In 2003, the National Security Agency and the Air Intelligence Agency recognized their shortfalls in information assurance and tracking skills and started asking some of these Delaware Guardsmen and women to help them meet their requirements. NSA will have spent $945,000 between 2003 and 2004 to make use of the Delaware Air Guard's expertise. They would like to spend an additional $900,000 in 2005. AIA is spending $150,000 in 2004 on these missions. They are spending this money because a real need exists.

Last year, the Senate, and then the full Congress, agreed that this mission needed support and a full-time unit. Thirty personnel were added to the Air National Guard's end-strength to create this new information operations unit. This year, we had hoped to finish the job by providing the full complement of 60 personnel needed for the mission and the $3.997 million needed to fully fund this unit. That is $2.75 million for personnel costs and $1.247 million for operations and maintenance. Unfortunately that will not be possible.

Some may wonder why we sought an amendment to add the personnel and funding needed. The reason is simple. The Delaware Air National Guard is too small to move people to this mission and still do their primary tactical airlift mission. The 166th tactical airlift wing has had its C–130s fully tasked to support operations in Afghanistan and Iraq. When I wrote Lieutenant General James at the Guard Bureau about standing up this new unit, he replied that he thought Delaware's Guard was well-postured for the mission, but his ''end strength cap makes it challenging to resource new initiatives.'' Our amendment would have taken care of that challenge.

Up to now, the personnel who have been working with NSA and AIA so far have been working three jobs. Let me say that again, three jobs. It is simply not sustainable. They cannot continue to do their regular Air Guard mission in the 166th tactical airlift wing, their civilian job, and the third job of helping NSA and AIA. With a new unit, we can provide the critical information operations skills needed to fight terrorism without harming the on-going tactical airlift mission that is supporting troops in Afghanistan and Iraq.

I know end strength increases are controversial, but we need to look at the big picture. Remember, Congress agreed that a new unit was needed to do these missions last year. The facts on the ground have not changed. This is exactly the type of new mission the Air Guard should be doing. Only with the Guard can you get the commercial expertise and cutting edge knowledge needed to protect information systems and to track financial transactions. I look forward to hearing the Pentagon's thoughts about this new mission.

Again, I think it's important to stress that information assurance and financial information operations are critical to the war on terrorism and to a transformed military. This is a growing area, not a shrinking one. We have looked carefully at all of our opportunities to provide the needed highly-skilled personnel to the fight. It is my belief that we can only do this if we create a unit to take advantage of the experienced and knowledgeable personnel available. No matter how patriotic people are, they cannot continue to work three jobs for years on end. Creating the new 166th information operations unit in the Delaware Air National Guard will enhance national security. It was the right thing to do last year and it's still the right thing to do. I hope that the Air Force will recognize that as we move forward in the war on terrorism.

JOINTSTARS

Mr. CHAMBLISS. Mr. President, I rise today to discuss the heavily tasked, high value asset of the E–8C JointSTARS fleet, which provides real-time surveillance and targeting for our armed forces. This critical asset, operated by an integrated wing located in my home State of Georgia, has worldwide commitments and is essential to the effective execution of the combined air-land strategy and tactics for our forces. However, the current engines do not provide sufficient power for the E–8C JointSTARS fleet to meet all of its operational requirements.

Mr. WARNER. The Senator from Georgia is quite correct in his observation and assessment and our committee has urged the Department to move forward with its economic analysis of engine alternatives for this critical fleet of aircraft. The Senator from Georgia should be proud of the 116th wing of the Georgia Air National Guard, as the work that this integrated wing performs on a daily basis is responsible for saving many soldiers' lives. As he stated, the E–8C JointSTARS fleet provides critical airborne battle management command and control.

Mr. CHAMBLISS. As the chairman has mentioned, the conference report on the fiscal year 2004 National Defense Authorization Act required the Secretary of Defense to submit a report to the congressional defense committees providing an economic analysis comparing the options of maintaining the current engines on the E–8C JointSTARS aircraft, purchasing and installing new engines, and leasing and installing new engines. This report was to have been submitted by February 13, 2004, but has yet to be received.

The engines that currently power the E–8C JointSTARS aircraft fleet are the same engines we have gone to great lengths to replace over the last decade in the Air Force's tanker fleet. The engines are old, provide marginal power to support the E–8C's taskings, and are expensive to operate and maintain compared to new engines currently available in the commercial market. These are not just my observations. Let me quote from a recent memorandum from the Vice Commander of Air Combat Command to the Air Force Vice Chief of Staff:

> This letter provides a brief update on our efforts to re-engine JSTARS, which continues to be one of our top initiatives for the E–8. The current TF–33–102C engines do not satisfy desired safety margins or meet operational needs. An Air Force Flight Standards Agency critical field length waiver is required to support takeoffs with current engines. Additionally, Operations ALLIED FORCE, ENDURING FREEDOM, AND IRAQI FREEDOM highlighted significant JSTARS engine performance shortfalls. A lack of thrust and fuel efficiency combined to reduce mission operating altitudes and on-station times. The current TF33 engines are the number one driver of the Non-Mission Capable for Maintenance rate and are the leading cause of sortie aborts and code-3 landings. It is projected that re-engining will reduce the NMCM rate by 10 percent and positively increase the overall system Mission Capable rates by four percent. E–8C crews have also experienced several instances of engine over temps on takeoffs, which have mandated reduced thrust takeoffs. Re-engining JSTARS makes sense operationally and from a sustainability perspective.

We have included language in the report accompanying this bill that states should the Secretary of Defense recommend in his report that a re-engining program be pursued for the E–8C, the committee encourages the Air Force to initiate this program, taking into account the recommendations of the Secretary's report on how best to implement it. I am optimistic that the Air Force report will be delivered to the committee in the near term. I am hopeful that as our bill moves from floor consideration and to conference with the House, we can work to ensure that this re-engine initiative is given every consideration based on the data and analysis provided for our consideration.

There are many aspects to consider in taking care of our soldiers, sailors, airmen and marines who are sent into harm's way. In times like these, preserving the assets that help to ensure the well-being of our men and women

in uniform should be given the investment necessary to see that the equipment is the best that we can provide and at the best value for our armed forces.

Mr. WARNER. I thank the Senator from Georgia for his leadership on this issue, and I look forward to working with him on this important issue.

Mr. CHAMBLISS. We owe it to the men and women who crew the E–8C JointSTARS to ensure that these aircraft are powered by engines that provide desired safety margins and on-station operating times that accomplish the aircraft's mission without degradation. At the same time we owe it to the taxpayers of this Nation to ensure that these aircraft are powered by engines that are fuel efficient and supportable for our armed forces.

COMPETITIVE SOURCING

Mr. THOMAS. Mr. President, I would like to take a moment to engage with the distinguished Senator from Virginia regarding some of the measures included in this very important bill. First, I want to commend the Senator from Virginia for his tireless efforts in managing this bill. He is always very fair and considerate, and his outstanding leadership is appreciated.

Mr. President, I am concerned that some amendments adopted by Unanimous Consent may have a negative impact on the President's Competitive Sourcing Initiative, and ultimately adversely impact the President's ability to administer the bureaucracy of the Department of Defense. As a longtime supporter of a more accountable and responsible federal government, I strongly support President Bush's competitive sourcing initiative which seeks to improve the way federal agencies operate. However, I recognize how critical it is in these times of war that we move this bill quickly and not allow it to be held up further by partisan politics. So I do not object to accepting these measures in the larger interest of getting a Defense bill through the Senate.

Every president for the last 50 years, Republican and Democrat alike, has endorsed the elimination of commercial functions in the federal workforce, but their plans were not vigorously implemented or enforced. As a result, nearly half of today's civilian federal workforce is doing work that could be done more efficiently by the private sector.

Mr. WARNER. I believe we looked to remedy this with the FAIR Act in 1998. Am I not correct in stating that this law basically says that federal agencies should inventory government services that are commercial in nature, and then review whether these activities should continue to be performed in the public sector?

Mr. THOMAS. That's correct. The Clinton Administration did the first inventory and found that more than 850,000 Federal employees out of 1.8 million were in jobs that were commercial in nature. The federal government was paying individuals to do jobs that could also be found in the Yellow Pages. Unfortunately, the Clinton Administration did not follow up. These positions should have been reviewed and solutions explored to return these jobs to where they belonged—the private sector. Unfortunately, there were no follow up reviews. It was only when George W. Bush was elected that a program was implemented to actually do the reviews of these 850,000 positions. Competitive sourcing could then be employed to see if it would be more effective and accountable to have these activities performed by the private sector.

Contrary to misinformation by some of our colleagues and labor unions, competitive sourcing is not about eliminating or privatizing federal workers. Simply put, competitive sourcing, which relies on the A–76 Circular for public-private competitions, is a useful tool that allows federal agencies to evaluate whether or not commercial functions should be performed in the future by federal employees or the private sector. As it is now, many federal employees who work in commercial functions are stuck in inefficient bureaucracies performing activities that are non-inherently governmental.

The competitive sourcing process is good government. As numerous independent reports to Congress have shown, competitive sourcing saves taxpayers between 10 to 40 percent—regardless of who wins. The record is that every position reviewed by competitive sourcing shows savings regardless of whether that position stays in-house or gets contracted. Federal employees win an overwhelming majority of the competitions. But clearly, the taxpayer is the real winner in this process. Inefficient monopolies that waste taxpayer dollars and divert much-needed federal resources from our government's most pressing programs should always be examined. There are activities which are inherently governmental, and should be performed by the government. No one would argue this. However, government should not be engaged in activities which are already offered in the private sector. As we look for ways to reduce its size, cost and scope, we need always remember that government should be the provider of last resort with the free enterprise system being the provider of the first choice. To do otherwise is a disservice to the American taxpayer. Would the Senator from Virginia agree with us?

Mr. WARNER. Mr. President, I certainly agree with my friend from Wyoming that we should continue to evaluate the way the federal government operates. Competitive sourcing is an important tool available to the government to ensure that high quality governmental services are acquired at the lowest cost to the taxpayer.

I believe the Senator wanted to share some of his concerns with an amendment offered by the Senator from Massachusetts and the Senator from Georgia.

Mr. THOMAS. I do. The amendment offered by Senators KENNEDY and CHAMBLISS would all but eliminate use of the streamlined process contemplated under the revised Office of Management and Budget Circular A–76. This process applies to competitions of 65 or fewer full-time equivalents. By making the use of A–76 competitions arbitrary, as opposed to strategic, the Department of Defense's necessary flexibility in procurement is removed. The amendment also includes provisions designed to give in-house employees unfair advantages over the private sector in the competitive sourcing process and makes it difficult for small businesses to be competitive in job contests.

Unfortunately, with the country at war, I'm afraid that these measures would be very counterproductive, costly, and present unnecessary hurdles for the Department in this very crucial period of time. In fact, the Administration, in a statement of administration policy issued by OMB, has declared its opposition to any final defense measure that limits DOD's competitive sourcing flexibility. The White House has, in fact, threatened to veto this bill if it contained these provisions. I am sure the distinguished Senator from Virginia is well aware of the importance the President places on this issue.

Mr. WARNER. Yes, I am. I certainly understand the Senator's concerns, and I can tell him that I am hopeful that as we move forward and reconcile this very important bill with that of the House in conference, we will take a very careful look at these measures and work out acceptable language that will not burden the DOD or hamper the President in his role as administrator of the federal bureaucracy in these critical times.

Mr. THOMAS. I think it is very important that we revisit these proposals. In the interest of moving this defense bill in a time of war, we have forgone an important debate. So I thank the Chairman for his attention to this matter and again say to him that I appreciate his strong leadership.

MANUFACTURING EXTENSION PARTNERSHIP

Mr. KOHL. Mr. President, Senator REED and I filed an amendment to ensure the soundness of our Nation's defense supply chains through the support of the Manufacturing Extension Partnership, MEP, Centers. We would like to thank our colleagues, Senators WARNER, LEVIN, GREGG, HOLLINGS and MCCAIN for accepting the modified amendment. Senator REED and my amendment clarifies that the Department of Commerce has the ability to transfer and reprogram $21.8 million to the MEP Program in fiscal year 2004.

The vitality and viability of our Nation's small manufacturers has tremendous consequences for our Nation. Without a strong manufacturing base, we risk losing wealth for our Nation,

we risk good jobs for our citizens, and we risk irreparably harming our Nation's defense supply base at a critical time.

The MEP assists America's small manufacturers and helps boost productivity, sales, investment in modernization, and employment. I have a very simple, but vital, message to deliver—manufacturing matters—MEP matters. But I am worried that President Bush does not understand this simple message. This fiscal year 2004, the administration's budget slashed the MEP Program by 88 percent. Due to the efforts of Senators GREGG and HOLLINGS, the Senate fiscal 2004 appropriations bill restored funding for the program to $106 million. However, the Omnibus Appropriations Act for fiscal year 2004 reduced that level to only $39.6 million.

As a Federal-State-private partnership, MEP is a network of over 60 centers with 400 locations across the country and Puerto Rico providing technical assistance and business support services to small manufacturers. These not-for-profit centers employ more than 2,000 professionals who work with manufacturers to help them adopt and use the latest and most efficient technologies, processes, and business practices. As a result, our small manufacturers are better able to compete with low wage countries, maintain jobs in America, and continue driving a higher standard of living in the U.S. In fiscal year 2002, MEP's clients reported sales of $2.8 billion, 35,000 new or retained workers, $681 million in cost savings, and $941 million invested in new plant and equipment as a direct result of their MEP projects.

However, funding constraints and budget cuts have forced every MEP Center in the country to downsize. According to a recent Modernization Forum survey, MEP Centers have closed 58 regional offices and reduced staffing by 15 percent, which will leave small manufacturers across the country without the invaluable technical and business assistance that helps them remain competitive edge in the global marketplace.

Senator REED's and my amendment will help address this issue by clarifying that the Secretary of Commerce can reprogram $21.8 million to the MEP Program this year. Fifty-five Senators requested that the Secretary reprogram funding to the MEP Centers this year. Unfortunately, the Department refused this request; leaving the MEP Centers and small manufacturers without the resources they need. In a response to the Senate request for reprogramming, Secretary Evans implied that the Department of Commerce does not consider it worthwhile to reprogram funding to the MEP program because the appropriations act would only allow the transfer and reprogramming of $3.9 million. In discussions with the Appropriations Committee and the Congressional Research Service, however, this appears to be a very narrow reading of the statute by the Department of Commerce. The appropriate level of funding that can, and should, be transferred and reprogrammed is $21.8 million. This amendment clarifies that level of funding for transfer and reprogramming.

The administration needs to make resources available to help our Nation's small manufacturers. That is why I, along with my colleague Senator REED, continue to call on the administration to reprogram $21.8 million to support the MEP Centers this year. And we call on the administration to send a Budget Amendment to Congress to support $106.9M for the MEP Program in fiscal 2005.

Mr. REED. Mr. President, I thank my colleagues Senators WARNER, LEVIN, GREGG, HOLLINGS and MCCAIN for working with Senator KOHL and I on this important amendment preserving the Manufacturing Extension Partnership, MEP, Program. I particularly want to thank Senators HOLLINGS and GREGG for their strong support of the MEP Program and their efforts to restore funding to a program that is vital to our Nation's small manufacturers. I look forward to working with them this year to ensure funding is restored in fiscal year 2005.

Senator KOHL and my amendment clarifies that the Secretary of Commerce has the ability to transfer and reprogram $21.8 million to the MEP Program this fiscal year in order to assist our nation's small manufacturers. Senator GREGG, HOLLINGS, KOHL and I believe that the Secretary already has the ability to transfer and reprogram this funding; however, rather than honor the request of 55 Senators and work with the Senate and Congress to help reprogram funds, the Department of Commerce has chosen to hide behind a legal interpretation that it lacks such authority.

Small manufacturers have a direct impact on national security. Small manufacturers are the backbone of our defense production capacities. Firms with fewer than 500 employees comprise more than 80 percent of the defense supply chains. Small businesses are responsible for a significant share of defense contracting. They receive 21 percent of prime contracts and 41 percent of the subcontracts awarded to businesses by, or on behalf of, the Department of Defense.

The National Coalition for Advanced Manufacturing in a 2002 report identified five key challenges that confront the defense industrial base. First, the loss of small and medium-sized firms that participate in the defense supply chain is taking its toll on our Nation's defense readiness as many makers of components and spare parts for the larger defense contractors have left the marketplace or are ill-prepared to respond to swift increases in orders. There is no known source of supply for over 11,000 products used by the Department of Defense. Second, our Nation needs to maintain sufficient surge production capacity to meet unanticipated national defense needs. The production of platform systems, components and munitions is constrained by the surge capacity of prime contractors and the capabilities of the supplier base. Being able to provide for these defense needs is vital to our military. Third, outdated and aging manufacturing systems and processes are involved in the production of major weapon systems. The need for quality and technology improvements along with increased productivity and cost reduction makes the shortage of capable small manufacturers more problematic. Fourth, large defense companies often have the knowledge and resources to make investments in productivity and efficiency improvements; however, small manufacturers frequently lack the necessary technical knowledge, staff and resources to take advantage of new techniques and technology. Lastly, to increase participation in defense production, small manufacturers need assistance adapting commercial production practices and techniques to the needs of the defense industrial base.

The MEP program can help our Nation address these challenges. MEP Centers have a strong track record of solving supply management issues. MEP helps preserve and strengthen domestic production of unique defense technologies and provides a strong strategic edge over threats to national security. MEP is active within U.S. defense supply chains assisting small subtier suppliers to cut costs, boost productivity, integrate technology and accelerate delivery times. Officials from Boeing, General Dynamics, Lockheed Martin, Northrop Grumman, and Raytheon expressed their reliance on MEP for cost and quality improvements at small manufacturing firms on which they rely for component parts and assemblies.

To date, the actions of the Department of Commerce have been unacceptable. The administration needs to make resources available to help our Nation's small manufacturers. The administration should immediately reprogram $21.8 million to support the MEP Centers this year as directed by Senator KOHL and my amendment. Given the broad bipartisan and national support for this program, the administration should send a Budget Amendment to Congress to support $106.9M for the MEP program in fiscal 2005.

FUEL CELL PROGRAM

Mr. AKAKA. Mr. President, I wonder if I might discuss an important matter with the Chairman of the Armed Services Committee regarding the program to advance fuel cell technology for support of armed forces.

Mr. WARNER. Mr. President, I would be happy to discuss this issue with the Senator from Hawaii.

Mr. AKAKA. Mr. President, the Senate report accompanying National Defense Authorization Act for Fiscal Year 2005 included language on a program to

demonstrate proton exchange membrane (PEM) fuel cell designs at Department of the Navy installations. In particular, the language referred to an uninterruptible substation using fuel cells based on proton exchange membrane technology. This was a program that the Congress supported last year.

I believe that the program the Committee intended to support this year was somewhat more narrowly focused on the developing technology to improve the membranes for those fuel cells that might be used in the substation program that was the subject of discussion last year or for other important Defense Department applications.

Mr. WARNER. Mr. President, I agree with the Senator from Hawaii that improving the membrane technology for fuel cells was the program for which the Committee recommended an addition to the Defense authorization this year.

Mr. AKAKA. Mr. President, I thank the chairman of the Committee for clarifying this situation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The DOD authorization.

Mr. HATCH. Thank you, Mr. President. That is what I want to talk about today, in part.

I rise today to respond to a few of the comments made yesterday by several of my Democratic colleagues. They have attacked the President and the administration for not being forthcoming in releasing documents notwithstanding the fact that the White House just declassified and released approximately 260 pages of legal memoranda that they sent to Senator LEAHY and myself.

Let me take a moment to review the history.

On June 8, 2004, the Judiciary Committee held an oversight hearing of the Department of Justice. During the course of the hearing, Senator KENNEDY asked the Attorney General for any legal memoranda that had been leaked to the public. Contrary to the suggestions of some, the Attorney General at no time refused to answer any question posed by Senators on the committee. He just gave answers with which my Democratic Colleagues did not agree.

Specifically, the Attorney General declined to agree—on the spot—to produce internal executive branch legal memoranda citing the President's right to have confidential advice from his staff. The Attorney General believed he did not have authority to release these documents. He believed that only the President could release them.

Instead, that same day after the hearing, the Department of Justice wrote a detailed letter responding to the inquiries of the ranking Democratic member of the Judiciary Committee on legal issues related to wartime decisions. The letter summarizes the Justice Department's legal opinion on whether various statutes and treaties apply on this war on terror, including the Uniform Code of Military Justice, the Special Maritime and Territorial Jurisdiction, the Military Extraterritorial Jurisdiction Act, the torture statute, Geneva Conventions, and the War Crimes Act.

These topics are precisely the subject matter of the documents at issue in the hearing. The Attorney General is not trying to cover up anything. There can be no question that the Justice Department wanted to be responsive to the committee but it was not in a position to release the documents without further consultation within the administration, including the White House and the Defense Department. That is only fair. It is prudent during time of war when some of the documents reveal potential interrogation techniques.

Yet they made the Attorney General of the United States a punching bag, which they have done consistently day in, day out in the Judiciary Committee on various markup days and hearings as well.

It is as though they literally hate the Attorney General of the United States. A man who I think is doing a bang-up, tremendous job. In fact, last week the Attorney General and the White House counsel both assured me that they would work with me to fairly resolve the matter. I represented that to the committee members and that wasn't enough. I was sarcastically challenged on that by more than one member of the committee on the Democratic side. I just calmly said: Give them a little time. They said they would work with us, and they will. And Mr. President, they did.

Last Tuesday, the Democratic members of the Judiciary Committee submitted a letter to the Attorney General, not just seeking the three documents mentioned at the hearing that Senator KENNEDY made an issue of in the hearing, but seeking a total of 23 legal memoranda.

In addition to that, they provided a laundry list of document requests so broad that it could take a year to search the files of the entire Federal Government to comply with such a request. We would have to go all the way back to the Spanish-American War to give every document that has ever been brought forth, if you followed the kind of reasoning that they had.

Let me give you some examples. They asked for ''any other memoranda or documents from Alberto Gonzales, William Haynes, William Howard Taft, IV, or any senior administration, and in the possession of the Department of Justice, regarding the treatment or interrogation of individuals held in the custody of the U.S. Government.''

Any other senior administration official? That involves hundreds, if not thousands, of people. Come on.

For each of the 23 requested memos, the Democratic Senators wanted to know what has been redacted and why. They want an explanation for each classification status, and they want an indication of to whom each was circulated with copies of all cover letters and transmittal sheets.

When is it going to end? That kind of stuff is way out of bounds. It was an incredibly imprudent request. It was so broad that nobody in his or her right mind would try to fulfill it—and certainly not a White House that is responsible.

In addition to the 23 requested memos, this request includes 19 other broadly worded questions that require lengthy investigation and responses. They want all of this by June 30. That is in just 15 days, as if they were entitled to all of that.

This document request appears to be an old-fashioned fishing expedition of the lowest order. Any objective observer would have to conclude that this is not a legitimate exercise of our oversight function. They just want to use the typical go-to-the mattresses, scorched earth, litigation-like tactics to bury the Attorney General with a request so broad that no one could possibly comply with it.

Last Wednesday, before the ink was dry on the document request letter submitted last Tuesday, the ranking minority member circulated a proposed resolution to formally subpoena documents from the Department of Justice.

The Democrats did not even give the Attorney General the courtesy of a few days to respond to the original document request.

Yet, while the Democrats were engaging in this conspiracy, I was working with the White House and the Department of Justice. I told the entire committee of all my efforts last week. In fact, it is because of my efforts and the efforts of the President and the Department of Defense and the Justice Department that these documents have been declassified and disseminated so quickly.

Significantly, the three documents originally at issue in the Attorney General's hearing have been produced—that is, the actual documents that they called for in the hearing where you heard so much bad-mouthing of the Attorney General.

I got the cooperation of both the Attorney General and Alberto Gonzales himself last week.

I have put up with continual complaints by our friends on the other side of the aisle on the Judiciary Committee as to how poorly the committee is being run. I am sick and tired of it.

It is about time we got rid of some of these snotty, ridiculous, demeaning,

and below-the-belt type of tactics and start respecting the President of the United States, the Attorney General, the Secretary of Defense, our young men and women overseas, and quit undermining what they are doing. We gave them the three documents they asked for and now there are all kinds of requests for more. We will never satisfy these types of voracious, problem-seeking people.

Of course, it is not good enough for some of my colleagues to just give them the documents they asked for. The administration could have sent 1,000 memos and some of my Democratic colleagues would still not have been satisfied. Talk about transparency, their strategy is transparent. No matter what is sent, some will no doubt scream and complain it is not good enough, and they will get on this floor, with their holier-than-thou language, and say we must have transparency because that is the way we in the United States are.

If that is true, we do not need the CIA, we do not need the 15 intelligence agencies, and we do not need to protect our young men and women overseas anymore. We just have to have transparency. That is so ridiculous it is hard for me to believe how the American people can even give any kind of consideration to that kind of talk. Yet we are getting that kind of nonsense on the Senate floor almost constantly from people on the other side of the aisle.

This lack of good faith suggests this is more about trying to attack the Attorney General and the administration than about obtaining documents necessary for legitimate exercise of oversight. It is clear they want to subpoena to build a case to hold the Attorney General in contempt of Congress. Why they hate this former Member of Congress, this former Member of the Senate, I will never understand. There is not a more decent, honorable, religious, kind person I know than John Ashcroft, but he is being treated like dirt. This threatens to rapidly devolve into a political witch hunt of the worst order.

It is sad to see this blatant political posturing. It is particularly sad to see this uncalled-for partisan wrangling over an issue of national security in an election year. I don't think they are fooling anybody by their histrionics, and we sure had a lot of them over the last number of days—even the last couple of weeks. Really, you can go back in time, ever since President George Bush was elected.

The amendment offered yesterday by the Senator from Nevada and the amendment offered here is not limited to the three documents that were at issue in the hearing. Those documents have already been produced. It has not been limited to the 23 documents listed in the first part of their document request. It is a broadly worded subpoena that would encompass all documents and records on this subject since January 20, 2001, regardless of whether the documents were written by someone at the Department of Justice.

Talk about a fishing expedition, we are talking here about deep sea fishing—and the worst type. Do you know how many people work at the Department of Justice? It would take forever just to ask each of the 112,000 individuals at the Justice Department if they possessed any relevant documents. That is how ridiculous the request is.

Moreover, the Justice Department subpoena is poorly written, as I have been saying. It requests all documents and records ''describing, referring, or relating to the treatment or interrogation of prisoners of war, enemy combatants, and individuals held in the custody or physical control of the United States Government . . . in connection with the investigation of terrorist activity.'' And the subpoena is not limited to Justice Department records but also records possessed by the Department of Justice, written by other agencies, including the CIA or any military branch. This is simply too broad and they know it.

In addition, the subpoena requires records relating to the treatment of prisoners. That broad term would appear to include all the interrogation or treatment records and all of the medical records of Zacarias Moussaoui and any other individual DOJ has prosecuted or is prosecuting on terror-related charges subsequent to 2001. This could include any interrogation, medical records shared between the Department of Defense and the FBI relating to detainees held at Guantanamo Bay or in Iraq, Afghanistan, or elsewhere. This information request can involve hundreds, if not thousands, of POW and other enemy combatants and hundreds of thousands of pages of records.

That is the type of base political activity that is going on in this body right now. It demeans, insults, and undermines our young men and women overseas fighting for us and risking their lives every day. I, for one, am sick and tired of it. I hope the American people wake up to this type of foolish conduct all in the interest of Presidential politics or just politics in general.

I don't see the practical utility of providing all of these records pertaining to individual detainees to the Judiciary Committee. Under the proposed subpoena, this information could conceivably include prosecution strategy memos. Can you imagine? Surveillance materials. Can you imagine? Information provided by and the identities of confidential informants. Can you imagine that? As well as FISA, that is, the Foreign Intelligence Surveillance Act materials. We normally do not get these types of documents in either Democrat or Republican administrations. And there is a good reason. Because this place is a sieve. You can't keep anything secret up here. It is easy to see why administrations do not like to give confidential, secret, or top secret or covert information, you name it, classified information, to people up here.

Their language is simply too broad. I am also troubled by the way in which the language appears to stray far away from general policy questions concerning the legal status of certain classes of detainees such as suspected al-Qaida members into matters affecting ongoing intelligence gathering and the prosecution of individual terrorist subjects.

Give me a break. Let's give our country a break. Let's give our President a break. Let's give our Attorney General a break. Above all, let's give our young men and women overseas a break from these types of partisan, political activities.

Let me say when the shoe was on the other foot, the Democrats have advocated just as I have. Four years ago, when President Clinton was in office, my colleague from Vermont, advocated the following practice:

> Our standard practice should be to issue subpoenas only when attempts to obtain documents by other means have failed. At a minimum, we should at least request documents in writing before attempting to compel their production. . . . As part of this duty, the Committee should take every reasonable effort to see whether subpoenas are actually necessary before publicly requesting them.

That is the distinguished ranking member of the Judiciary Committee from Vermont speaking. Let's go through that one more time. When the shoe was on the other foot, and our side was asking for some documents, the quote was:

> Our standard practice should be to issue subpoenas only when attempts to obtain documents by other means have failed.

That is a quote.

The fact is, they didn't even give the Attorney General time to even think about it before they were slapping a subpoena down in last week's markup, just a few days after. And then, four years ago my colleague from Vermont continued:

> At a minimum, we should at least request documents in writing before attempting to compel their production.

I guess 2 days in writing is more than an ample request in their eyes now that they are in the minority and now that John Ashcroft is Attorney General.

> As part of his duty, the committee should take every reasonable effort to see whether subpoenas are actually necessary before publicly requesting them.

No, they pursued a subpoena. We had to vote on it. It was a party-line vote. I guess they thought they could get at least one Republican to allow their nefarious scheme to go forward. They did not try to use every reasonable effort to see whether subpoenas were actually necessary. And I am sure the reason, they will say, is because John Ashcroft has not appeared before the committee in a long time.

My gosh, the man almost died this year. And I don't blame anybody for

not wanting to come up in front of this bunch when all you do is get demeaned, with implications that you are a liar, that you are not cooperative, that you are not doing a good job, and many other implications, as well, that are derogatory in nature.

When are we going to start treating administration people with respect and dignity? Here the Democrats are not making any reasonable effort to attempt to obtain any of the documents by other means. They did not even give the Justice Department a day to respond to their written questions before drafting a subpoena. What kind of bullying tactic is that? We know what the Democrats are up to because the Senator from Vermont told us what the purpose of a subpoena was just 4 years ago.

He said:

[I]ssuing subpoenas may make for a good show of partisan force by the majority but certainly continues the erosion of civil discourse that has marked this Congress. Why is that true then but not now? Let me suggest that my Democratic colleagues are trying to take this one step further, as well. The minority is attempting to make a show of partisan force by distorting the facts for the American public.

Especially where the administration has indicated its willingness to be cooperative, issuing a subpoena would not merely continue the erosion of civil discourse; it would accelerate it by exponential proportions.

To suggest that the Senate issue a subpoena before the deadline to comply with a document request has even passed irreparably debilitates the credibility of my colleagues and shows they are merely grandstanding and not pursuing a legitimate oversight function, in spite of the holier-than-thou approach that some of them use.

Now, we have seen holier-than-thou approaches on both sides, I suppose, but I have never seen it worse than it is right now.

Yesterday, the President released not only the three documents at issue in the DOJ oversight hearing but 260 pages of documents, at my request—something I said I thought I could get them to do, after having talked with the Attorney General of the United States and Judge Gonzales. That was not good enough at the time. They were moaning and picking and groaning at me, saying they would never do it. But they did.

Thus far, the administration has released 13 lengthy memoranda relating to the treatment or interrogation of detainees, including relevant documents that were not specifically requested by the committee.

Come on. This administration has bent over backwards, and they will never satisfy these naysayers on the other side who want to make political points and who want to damage the Attorney General of the United States, the Secretary of Defense, and, above all, the President of the United States. I have to say, they are really good at playing this political game. They have a lot of help in our media in this country that seems to just go right along with it.

This may not be the end of the document production by the Departments of Justice and Defense, et cetera. The Department of Justice has until June 30, 2004, to respond to the Democrats' document request. It may well be that after June 30, 2004, there may be additional documents that we will need to see. But to seek such a broadly worded subpoena prematurely makes absolutely no sense. It flies in the face of reasonableness.

But let me say that it appears from what we know now—and I will expect the administration to correct me if I am wrong on this point—we have already gotten the most important documents. But I guess they just have not given the Democrats enough fodder with which they can attack the Attorney General and the President and others in this administration. After all, most of them were legal documents, legal opinions, where you can differ, and in most cases where they say, well, this is what the law is, but there is another side to it that could be argued, and the courts might find something to it. That is what you expect in a legal opinion. But they not only ask for the legal opinions; they ask for the preparatory documents that were leading up to the legal opinions.

I heard my colleague from Vermont mention, repeatedly: Like water, government policy flows downhill. I must say that I agree with him. Clearly, the most important document of those released by the White House is the one that the President of the United States signed on February 7, 2002. You do not get any higher than the President in this country, from a political standpoint.

In that memo, the President acknowledged that even though he was advised that he was not legally obligated to provide the protections of the Geneva Conventions to the Taliban or to the detainees at Guantanamo Bay, Cuba, that he intended to do so anyway.

But that is not enough for them. Here is the now unclassified White House memorandum for the Vice President, the Secretary of State, the Secretary of Defense, the Attorney General, the chief of staff to the President, the Director of Central Intelligence, the assistant to the President for National Security Affairs, the Chairman of the Joint Chiefs of Staff.

These are documents that are usually never given up by Presidents, by the way.

The subject: ''Humane Treatment of al Qaeda and Taliban Detainees.'' The part shown at the bottom on this page of the letter is in yellow. Let me read the paragraph just above that. Let me read No. 2:

Pursuant to my authority as Commander in Chief and Chief Executive of the United States, and relying on the opinion of the Department of Justice dated January 22, 2002, and on the legal opinion rendered by the Attorney General in his letter of February 1, 2002, I hereby determine as follows:

Now, this is a finding, by the way:

a. I accept the legal conclusion of the Department of Justice and determine that none of the provisions of Geneva apply to our conflict with al Qaeda in Afghanistan or elsewhere throughout the world because, among other reasons, al Qaeda is not a High Contracting Party to Geneva.

I think that sounds pretty logical to a logical person. But look at this:

b. I accept the legal conclusion of the Attorney General and the Department of Justice that I have the authority under the Constitution to suspend Geneva as between the United States and Afghanistan, but I decline to exercise that authority at this time. Accordingly, I determine that the provisions of Geneva will apply to our present conflict with the Taliban. I reserve the right to exercise this authority in this or future conflicts.

There is good reason why he reserved the right to exercise this authority—a very good reason—and that is, we are not fighting a conventional war; we are fighting a war in the most unconventional way, against people who do not wear uniforms, who do not represent a particular country, who are helter-skelter all over the world, who are vicious, brutal killers and murderers and terrorists, who have more than shown us how vicious they are. They do not deserve, in the eyes of many legal minds, the type of protections that Geneva would provide. But he is going to provide it to them anyway.

But that is not good enough over here. They have to find something, in some documents, in these hundreds of pages of documents, that can help to bring down this President.

Well, look, go to No. 3:

Of course, our values as a nation, values that we share with many nations in the world, call for us to treat detainees humanely, including those who are not legally entitled to such treatment.

Our Nation has been, and will continue to be, a strong supporter of Geneva and its principles. As a matter of policy, the U.S. Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.

I do not know how you say it much more clearly than that. But you have read all the newspapers condemning the President. Yet the President is following Geneva. But he did. To hear the other side, you would think that he did not.

Look at No. 5:

I hereby reaffirm the order previously issued by the Secretary of Defense—

''[P]reviously issued by the Secretary of Defense''—

to the United States Armed Forces requiring that the detainees be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.

I do not know what my colleagues need further, but that is what the President signed. My gosh, there is the

President's signature right at the bottom of this letter.

I hereby direct the Secretary of State to communicate my determinations in an appropriate manner to our allies, and other countries and international organizations cooperating in the war against terrorism of global reach.

My gosh, what is this all about? I will tell you what it is all about. It is about politics, pure and simple. They cannot win fairly, so they do it by distorting what is going on.

If they could win by distorting, that would be great, hunky-dory for them, I suppose. Well, it is not for me.

Paragraph 2b:

I accept the legal conclusion of the Attorney General . . .

This is the fellow they are maligning all the time. This awful Attorney General, John Ashcroft. But he says:

I accept the legal conclusion of the Attorney General and the Department of Justice that I have the authority under the Constitution to suspend Geneva as between the United States and Afghanistan, but I decline to exercise that authority at this time.

He determines that the provisions of the Geneva will apply.

Of course, our values as a Nation, values that we share with the other nations in the world, call for us to treat detainees humanely . . .

The fact is some of our knuckleheads—darn few of them—have treated detainees inhumanely. You would think the President himself went over there and did those awful things, or that Donald Rumsfeld, who has done a fantastic job in helping to change the whole military structure in many ways in this country for the better, had gone over there and done this, or General Abizaid.

That letter blows away these types of phony arguments.

After hundreds of pages of analysis, after months of research and writing, the most severe punishment the Secretary of Defense authorized is the ''use of mild, noninjurious physical contact such as grabbing, poking in the chest with the finger and light pushing.''

I could tell you, having studied it, there is a whole panoply of acceptable Geneva interrogation techniques. I can tell you not all of them were used. The top level of very stressful ones were not authorized to be used.

Everything I have seen says that. Why this body would want to issue a subpoena that, one, failed in committee—they couldn't get it through committee because everybody there recognized it was a political exercise, brought very prematurely, without giving the administration a chance to comply, in disregard of the committee chairman's, my, offer to bring about a release of documents, and with a release of documents that is, by any measure, impressive—and two, is not ripe since the deadline to respond to the document request has not even come and gone. Why they would do that is beyond me.

I said earlier today I am one of the few people who has gone to and gone completely through Guantanamo. I can only speak for the time I was at Guantanamo and that was a few weeks ago. But I went and witnessed their interrogation techniques. I saw two interrogations that were not staged for me—one with a very uncooperative al-Qaida member they would occasionally get something from and another with another one who has been very cooperative because of the techniques that have been used, that have been fair and reasonable, within the Geneva Conventions rules and techniques. I saw how they handled the prisoners. I saw the incentive systems to get the detainees to try to cooperate.

I saw the assault record of some of these vicious detainees who I think some on the other side would like to coddle right to bed every night. Dozens of assaults made against our soldiers, including, since these are open wire cells, on a number of occasions throwing urine and feces all over the soldiers who have to walk up and down the halls.

I don't know about you, but if somebody did that to me, I wouldn't be very happy. If I recall correctly, there have only been three times where they have had to discipline soldiers because the rest of them stood and took it, even though that is one of the most offensive things that could be done to somebody, three times. One was acquitted, the other two suffered severe punishment.

In other words, we have punished our soldiers for getting mad because somebody threw feces and urine on them. I would be mad. I am for our soldiers. I wish—I am not going to second-guess the military courts, but I wish they had not been punished other than maybe reprimanded. There are some down there who are so vicious they would kill our soldiers if they had a chance. And they have done things like this repeatedly. Dozens and dozens of assaults on our young men and women down there.

What bothers me, almost more than anything else, is I have described one of the Presidential findings, and there are others that are being read on the sides of mountains by Zarqawi and by Osama bin Laden, top secret documents that have been given up because of these types of shenanigans. These types of things put our young men and women at risk. These political games are putting young men and women at risk. To disclose anything about interrogations puts our young men and women at risk. That does not mean we should not prosecute those who have violated the President's order of humane treatment. But interestingly enough, in the Abu Ghraib prison situation, the minute it became known these types of activities were going on, investigations started and prosecutions have resulted. But that is not good enough because there is a demand that they have to go right up to the top which means even the President, as if he were over there in Abu Ghraib himself, or Rumsfeld was over in Abu Ghraib or General Abizaid, they should be punished, or there should at least be some responsibility on their part for this aberration of conduct by so few in the Abu Ghraib prison.

Let me tell you, I am getting sick of it. I am getting sick of this partisan activity. I don't have much of a voice right now because I am so doggone sick of it. Frankly, it is beneath the dignity of the Senate. I think there might come a time for subpoenas, if there had been no cooperation, if there had been plenty of honorable time given to the administration to comply, if there had been no compliance, if there hadn't been any effort by the chairman to try and obtain these documents, if there had been no response by the White House counsel or the White House itself, or if there had been no desire on the part of the Attorney General to cooperate. They now have all the documents they asked for at that hearing. And now we get a request, a broad request for so many more that would tie up all of these important people to such a degree that I think it damages our young men and women not only in Iraq but Afghanistan as well.

Why? Why is it? Why do we hear these holier than thou rantings? Because we have to make sure this administration does its job because we don't trust them, I guess. At least that seems to be the tenor of the argument, and that this administration must be doing something wrong because it had legal memoranda and legal opinions that indicated maybe the Geneva Conventions don't apply in this unconventional war, with unconventional, murderous, and vicious terrorists.

Well, let me say, I am disappointed they ignore these types of documents. I am disappointed we get all these documents and they are not satisfactory. I am disappointed there is a call for transparency of all these things. I guess Osama bin Laden can read these things as well, or even Zarqawi, and know everything we are thinking, everything we do. He ought to be able to cut off a lot of heads with the knowledge we are giving him.

The fact is, almost any time anything is released here, it shows up in the liberal media. It shows up to the disadvantage of our country, to the disadvantage of our young men and women over there. I don't think anybody on this side is saying we should not be transparent in the ways we should be transparent, but to use that transparent argument and push it to its ultimate extreme means we should not have 15 intelligence agencies where we have classified information to protect our country. If you push it to the extreme, that is what you are saying. I believe it has been pushed to exactly that extreme.

I believe the demands have been extreme. They are unconscionable in some ways—not all of them. That is

why the documents are being given to them. It was important to meet the reasonable requests for those three documents. They have been given. I don't see anything wrong with that.

I also believe we ought to respect the need to keep some matters from transparency in the best interests of our young men and women. I have to say I know that not all of our servants act appropriately. Everybody makes mistakes. Certainly, the things that happened in Abu Ghraib and in Afghanistan should never have happened. They need to be investigated, and, where appropriate, prosecutions have to take place. Nobody should be spared who participated in those wrongful, illegal activities that fly in the face of what the President approved and what the Secretary of Defense approved. I stand with my colleagues on the other side with regard to that. There is no doubt in my mind about that.

But when it comes to just playing crass politics and demanding more and more so it can be released to the public so ''transparency'' can be had over documents that should not be released to the public, then I have to call it what it is. It is crass political activity that flies in the face of what is right. I think directly and indirectly it hurts our young men and women overseas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the chairman of the Judiciary Committee, my friend, has spoken for about 55 minutes, which leaves little time for the ranking member of the Judiciary Committee, the person going to offer the amendment. I will not offer a unanimous consent agreement until such time as the manager of the bill or someone from the majority is able to respond, but I am going to ask unanimous consent that the Senator from Vermont be allowed to speak until the hour of 9:45.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the order be extended to allow the Senator from Vermont to speak for 15 minutes, and that following his speech, we vote on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, we want to accommodate the Senator. Whatever happened, happened. We are glad to, in an equitable way, offer him this time. I will try to take the floor in the area of 9:40, if that is convenient.

Mr. LEAHY. How about 9:45?

Mr. WARNER. OK. Thank you.

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

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I appreciate the continuing courtesy of my dear friend, the senior Senator from Virginia. I said earlier on the floor of the Senate that he and I have been friends for over a quarter of a century. I have aged in that time, but he has not. I do appreciate his continuing courtesies.

Mr. WARNER. I thank my colleague. We have served together these 26 years now in this body.

Mr. LEAHY. Mr. President, I have listened to some of the debate in the last 30 or 40 minutes, and it is sort of like a tempest in a teapot—a great deal of shouting and carrying on, but not really hitting the central point.

I spent years as a prosecutor. It was one of the best jobs I ever had. I had the great opportunity to try a lot of cases. I was in the courtroom several days every week in Burlington, VT. We had a saying there, as we do in many States, that if you have the facts on your side, you pound the facts. If you have the law on your side, you pound the law. Of course, if you have neither on your side, you pound the table. We have heard a lot of table pounding tonight.

The fact is that every American, Republican or Democrat, knows that some terrible things happened at Abu Ghraib prison. Some apparently happened in Afghanistan and some in Guantanamo. These are acts that are beneath a great and wonderful country such as the United States, a country blessed with a Constitution and laws and values that serve as a shining beacon for much of the rest of the world.

This did not happen here, and it is not answered by going out and cashiering a couple of corporals or a couple of privates and saying: There, look what we have done.

We all know that the 140,000 American men and women serving in Iraq and in Afghanistan and Guantanamo are obeying the laws, and upholding the best ideals of the United States. And many of our soldiers have been told they are going to serve much longer than their Government originally told them they would have to.

There are some, however, who did the same wrong things in Iraq as they did in Afghanistan and as they did in Guantanamo. Who gave them the green light? Don't tell me it is just a handful of bad actors. If so, those few bad actors must have a wonderful frequent flyer program to be able to show up in Abu Ghraib one day, Afghanistan the next, and Guantanamo the next. Somewhere there was some core permission given. It went to those who were willing to follow a wrong order.

My colleagues can table my amendment, but it will aid the coverup of what has become an international prisoner abuse scandal. If this amendment is tabled, as it may be, it says that the Republican Senators have decided to join the Republican administration in circling the wagons of the unfolding prisoner abuse scandal.

The American public—Republicans, Democrats, and Independents—are sick and tired of being lied to. They are sick of the secrecy. They are demanding answers all over this Nation, but the wagons continue to circle.

My amendment would require the administration to cooperate with a thorough congressional investigation into the abuse of prisoners in U.S. custody by releasing all documents relevant to the scandal. We call for the release of all relevant documents, not a tiny subset of documents selected by the administration when the political heat was on.

The question for us as Senators is, Are we content to see the Senate serve as an arm of the executive branch, or are there some of us—at least a majority of us—who actually read the Constitution and realize we are an independent branch of Government? The distinguished senior Senator from West Virginia has reminded us that we do not serve under Presidents, we serve with Presidents. He has reminded us that there are three branches of Government, each independent of the other. Nonetheless, we hear arguments on the floor that we can't ask for these documents because the executive branch does not want to show them to us. But, we are independent Senators, all 100 of us.

Somewhere in the upper reaches of this administration, a process was set in motion that seeped forward until it produced this awful scandal. So to put the scandal behind us—which all of us want to do—we have to understand what happened.

The President of the United States has said they want to get to the bottom of this. So do I, but you cannot get to the bottom of this until you have a clear picture of what is on the top. We have heard the party line on this scandal. The Senator from Alabama argued that the whole thing boils down to just a few people on the midnight shift in Abu Ghraib prison who got out of control. He said that a few people came in at midnight and somehow they got out of control. That line has become harder and harder to swallow as every day new evidence surfaces that the abuses were widespread.

The photographs may be limited to a small group of soldiers at Abu Ghraib, but the abuses were not. It is not right for any of us to claim this was just a small thing when every one of us has seen how extensive the photographs are, those that have been revealed to the public and those that have not.

I question the idea that it was only in Abu Ghraib. As I said, somebody must be getting frequent flyer miles because the same thing was happening at Abu Ghraib prison, Afghanistan, and Guantanamo. Just last week, a Federal grand jury indicted a CIA contractor for brutally beating a prisoner in Afghanistan in June of last year. Why did they indict him? Because the prisoner died the day after he was beaten.

The Army has opened a criminal investigation into injuries suffered by a U.S. soldier who was posing as an uncooperative detainee during training with military police at Guantanamo Bay. That soldier suffered traumatic brain injury. This was a brave American soldier who went into a training program. Suddenly, apparently, the rules changed, He used a code word to stop it. He said: I am an American soldier. They kept on doing what somebody higher up had given them the order to do, and he suffered traumatic brain injury.

I could go on and on about this. My point is, it is not just a few bad apples in Abu Ghraib. These things have happened in Afghanistan, Iraq, and Guantanamo. Does anybody seriously think that the American public is going to fall for a lie that it is a coincidence that a bunch of MPs in Iraq were abusing prisoners with the very same tactics that were being debated at the highest levels of Government, such as the use of hoods, the use of dogs, the removal of clothing? Do we think these people are somehow telepathic, that they can read the minds of those at the White House or the Pentagon?

Yesterday, the White House released a tiny subset of the materials we sought. This was not all the material we requested. It was a tiny subset. All of those documents should have been provided earlier to Congress. Much more remains held back from public view.

The documents that were released raised more questions than they answered.

After January 2002, did the President sign any other orders or directives? Did he sign any with regard to prisoners in Iraq? Why did Secretary Rumsfeld issue and later rescind interrogation techniques?

How did these interrogation techniques come to be used in Iraq even though the administration has maintained it followed the Geneva Conventions there?

Why is the White House withholding relevant documents produced after April 2003?

Where is the remaining 95 percent of the materials requested by members of the Senate Judiciary Committee?

We have heard on the floor there was a broad-brush request made for the documents. But it was actually a request for 23 specific documents. The White House gave 3 of the 23 and said that it had complied. Incidentally, of those three, two had already appeared on the Internet. The press had found them out before the White House gave them to us.

So even though they gave only one that had not been made public before, I will give them credit for all three. Where are the other 20?

When are we, as Senators, going to stop sitting on our hands, becoming a rubberstamp for an administration cloaked in secrecy?

We have the legal right, we have the constitutional obligation, and I remind Senators we have the moral authority to ask questions and demand answers today.

We have been blessed in this country with a great and wonderful country, but that is a blessing that comes with some responsibilities. We are not maintaining that responsibility unless we keep the pressure on, until we get honesty and we get answers.

So I urge my colleagues, vote down the motion to table. Let us show the Senate is willing to stand up. Let us do what Senators have done in the past. We did it during the Watergate era. We have done it at other times. Let us stand up and ask the questions the American public wants us to ask.

The press seems to be doing it for us. After extensive investigation, the Guardian uncovered widespread evidence of violent abuse and sexual humiliation of prisoners at Baghram and other U.S. detention centers around Afghanistan. We should have found that out, and we should have stopped it. As I said before, a Federal grand jury indicted a CIA contractor for brutally assaulting a detainee in Afghanistan June 2003. We should have found that out. Instead, we turned a blind eye.

Defense Secretary Rumsfeld admitted in November 2003 that he ordered a prisoner be held incommunicado, off the prison rolls, and out of the sight of the Red Cross. This ghost detainee got lost in the system for 7 months. Despite his high intelligence value, this ghost detainee received only a cursory initial interview while in detention.

Major General Taguba later criticized the practice of keeping ghost detainees as deceptive, contrary to Army doctrine, and in violation of international law.

The New York Times reported that military lawyers and some colonels received memos citing complaints of abuse at Abu Ghraib in November 2003, 2 months before photographic evidence of abuse prompted the military to launch an investigation. At the same time, the letters I had written to the Department of Defense and others about what we had heard were not answered.

In fact, it turns out now that the majority of detainees at Guantanamo Bay are not the worst of the worst, as the administration asserted, but rather low-level recruits or even innocent men swept up in the chaos of war. This is why, after years, not a single one has been brought before a military tribunal. This is not the mark of a great country. This is not the mark of a moral country.

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

Mr. LEAHY. I ask unanimous consent that materials provided under the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The materials provided under the amendment should include, at a minimum, the following:

(A) Memorandum for Timothy E. Flannigan, Deputy Counsel to the President, from John Yoo, Deputy Assistant Attorney General, Office of Legal Counsel, Re: The President's constitutional authority to conduct military operations against terrorists and nations supporting them (Sept. 25, 2001);

(B) Memorandum for Alberto Gonzales, Counsel to the President, from Patrick F. Philbin, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Legality of the use of military commissions to try terrorists (Nov. 6, 2001);

(C) Memorandum for William J. Haynes, General Counsel, Department of Defense, from John Yoo, Deputy Assistant Attorney General, and Patrick F. Philbin, Deputy Assistant Attorney General, Re: Possible habeas jurisdiction over aliens held in Guantanamo Bay (Dec. 28, 2001);

(D) Draft Memorandum for William J. Haynes, General Counsel, Department of Defense, from John Yoo, Deputy Assistant Attorney General, and Robert J. Delahunty, Special Counsel, Office of Legal Counsel, Re: Application of treaties and laws to al Qaeda and Taliban detainees (Jan. 9, 2002), and any final version of this Draft Memorandum;

(E) Memorandum from William Howard Taft IV, Department of State Office of Legal Advisor, Re: Response to the January 9 Yoo/Delahaunty memo (Jan. 11, 2002);

(F) Draft Memorandum for the President from Alberto Gonzales, Counsel to the President, Re: Decision re application of the Geneva Convention on Prisoners of War to the conflict with al Qaeda and the Taliban (Jan. 25, 2002), and any final version of this Draft Memorandum;

(G) Memorandum for Alberto Gonzales, Counsel to the President, from Secretary of State Colin Powell, Re: Response to the Gonzales draft memo of January 25, 2002 (Jan. 26, 2002);

(H) Memorandum for John Yoo, Deputy Assistant Attorney General, Office of Legal Counsel, from James C. Ho, Attorney-Advisor, Office of Legal Counsel, Re: Possible interpretations of Common Article 3 of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War (Feb. 1, 2002);

(I) Memorandum for Alberto Gonzales, Counsel to the President, from William Howard Taft IV, Department of State Office of Legal Advisor, Re: Comments on your paper on the Geneva Convention (Feb. 2, 2002);

(J) Memorandum for William J. Haynes, II, General Counsel, Department of Defense, from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel, Re: The President's power as Commander in Chief to transfer captured terrorists to the control and custody of foreign nations (Mar. 13, 2002);

(K) Memorandum for Daniel J. Bryant, Assistant Attorney General, Office of Legal Counsel, from Patrick F. Philbin, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Swift Justice Authorization Act (Apr. 8, 2002);

(L) Memorandum for General James T. Hill from Defense Secretary Rumsfeld, Re: Coercive interrogation techniques that can be used with approval of the Defense Secretary (Apr. 2003);

(M) Memorandum from CJTF–7, Re: Applicability of Army Field Manual 34–52 and sensory deprivation (Sept. 10, 2003);

(N) Directive of Lt. General Ricardo Sanchez entitled ''Interrogation and Counter-Resistance Policy'' (Sept. 12, 2003);

(O) Memorandum from CJTF–7 on interrogations (Sept. 28, 2003);

(P) Memorandum for MI personnel at Abu Ghraib, Re: Interrogation rules of engagement (Oct. 9, 2003);

(Q) Memorandum for Commander of MI Brigade from Lt. General Ricardo Sanchez, Re: Order giving military intelligence control over almost every aspect of prison conditions at Abu Ghraib with the explicit aim

of manipulating the detainees' ''emotions and weaknesses'' (Oct. 12, 2003);

(R) Memorandum for Review and Appeal Board at Abu Ghraib from Detainee Assessment Branch (Nov. 1, 2003 through Jan. 31, 2004);

(S) Memorandum for MP and MI personnel at Abu Ghraib from Colonel Mac Warren, the top legal adviser to Lt. General Ricardo Sanchez, Re: New plan to restrict Red Cross access to Abu Ghraib (Jan. 2, 2004);

(T) Memorandum for Superiors from Maj. General Antonio Taguba, Re: Results of investigation into the 800th MP Brigade's actions in Abu Ghraib (Mar. 12, 2004);

(U) Memorandum from the Department of Justice, Re: Liability of interrogators under the Convention Against Torture and the Anti-Torture Act when a prisoner is not in U.S. custody.

(V) Review, study, or investigation report by LTC Chamberlain, Re: State of prisons in Iraq (addressing the high proportion of innocent people in the prisons and the lack of release procedures for detained Iraqis).

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The distinguished Senator from Utah will address the Senate. We are ready to go to votes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I move to table the underlying Leahy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will now call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote ''yes.''

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 45, nays 50, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—45

Alexander	Crapo	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Bunning	Fitzgerald	Santorum
Burns	Frist	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hatch	Snowe
Cochran	Hutchison	Stevens
Coleman	Inhofe	Talent
Collins	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NAYS—50

Akaka	Bayh	Boxer
Baucus	Biden	Breaux
Byrd	Graham (FL)	McCain
Cantwell	Graham (SC)	Mikulski
Carper	Hagel	Murray
Clinton	Harkin	Nelson (FL)
Conrad	Inouye	Nelson (NE)
Corzine	Jeffords	Pryor
Daschle	Johnson	Reed
Dayton	Kennedy	Reid
DeWine	Kohl	Rockefeller
Dodd	Landrieu	Sarbanes
Dorgan	Lautenberg	Schumer
Durbin	Leahy	Specter
Edwards	Levin	Stabenow
Feingold	Lieberman	Wyden
Feinstein	Lincoln	

NOT VOTING—5

Bingaman	Hollings	Sununu
Brownback	Kerry	

The motion was rejected.

AMENDMENT NO. 3485

Mrs. FEINSTEIN. Mr. President, I rise this evening in support of Senator LEAHY's second-degree amendment which seeks to compel, by law, the Executive Branch to provide certain important documents to Congress.

I wish to focus on one particular issue that has been raised by those who oppose this effort—that provision of these documents will endanger our national security by informing our enemies of the details of our interrogation tactics.

I believe this objection is misplaced and the danger of compromising national security can be easily and simply eliminated.

I am a member of the Select Committee on Intelligence, and as my colleagues know, that committee regularly receives information of the highest classification involving our Intelligence community. Similarly, the Armed Services Committee receives information about the most sensitive of our military secrets. The Judiciary Committee receives information about extremely sensitive law enforcement matters. In short, the Congress and its committees are regularly provided the most sensitive of our Nation's secrets.

In the present case I accept that some of the documents we have sought from the Department of Justice and Department of Defense about the law, policy and procedures governing interrogations may be properly classified. In other words, I quote from the governing executive order, Executive Order 12958, which describes ''top secret'' as being information ''the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.''

But the question of classification is unrelated to the question of whether the Congress should have access to information which is needed. We have procedures, administered by the Office of Senate Security, which ensures that such information is handled properly, safely, and securely. simply put, providing information to the Congress is not the same as making it public, or providing it to terrorists.

As some of my colleagues know, I asked the Attorney General directly whether any of the material which he was refusing to provide to the Congress was classified. He did not answer my question, but if the answer is yes, then the Congress has the ability to receive such information.

It is important to focus on the issue at hand, which is what information should, and must, be provided to Congress so it can perform its constitutional role to legislate and conduct oversight. The issue is not what information to provide to the terrorists.

Mr. DURBIN. Mr. President, I rise today in support of the Leahy second-degree amendment. I am proud to cosponsor the Leahy second-degree amendment. The Leahy amendment would require the administration to provide the Senate with all documents in the Justice Department's possession relating to the treatment and interrogation of detainees.

Since the world learned about the horrible abuses at Abu Ghraib prison, there has been mounting evidence that high-ranking members of this administration authorized the use of interrogation tactics that violate our longstanding treaty obligations. There is increasing pressure on the administration to come clean and provide the Congress with all documents related to the use of torture.

Yesterday, in a transparent effort to stop the pressure for full disclosure, the administration provided Congress with a 2-inch stack of documents. But a cursory review of these documents reveals that the administration is withholding a lot of crucial information. If anything, the documents that were released yesterday make it even more clear that we need complete disclosure from the administration. As the Chicago Tribune reported today:

> The memos left unanswered at least as many questions as they answered. White House officials acknowledged that the documents provided only a partial record of the administration's actions concerning treatment of prisoners.

What do the documents that were released show? In a January 2002 memo, the President concluded that ''new thinking in the law of war'' was needed. Under our Constitution, it is Congress's job to make the laws. If the President wants to change the law of war, which has served our country well since the time of President Abraham Lincoln, he must come to the Congress and ask us, the people's representatives, to change the law. He cannot change the law by executive fiat. The memo from the President was stamped for declassification in 2012, so clearly this administration had no intention to consult with Congress or the American people about their plans to change the law of war.

In response to the President's mandate, in August 2002, the Justice Department sent a memo to the White House on the use of torture. It makes unprecedented claims about the President's power that violate basic constitutional principles. The Justice Department concludes that the torture statute, which makes torture a crime,

does not apply to interrogations conducted under the President's Commander in Chief authority. They also adopt a new, very restrictive definition of torture. They state that torture involves:

. . . intense pain or suffering of the kind that is equivalent to the pain that would be associated with serious physical injury so severe that death, organ failure, or permanent damage resulting in a loss of significant body function will likely result.

This contradicts what Attorney General John Ashcroft told the Judiciary Committee just 2 weeks ago. He said that it is Congress's job to define torture and that the administration had not adopted a new definition of torture.

The Defense Department, relying on the Justice Department's work, also responded to the President's call for new thinking about the law of war. In a November 2002 memo, Defense Secretary Rumsfeld approved the use of coercive interrogation techniques at Gauantanamo Bay. These included ''removal of clothing,'' using dogs to intimidate detainees, sensory deprivation, and placing detainees in stress positions, including forced standing for up to 4 hours. Rumsfeld's only comment on these procedures was a personal note at the bottom of the approval memo, ''I stand for 8–10 hours a day. Why is standing limited to four hours?''

Let me answer that question.

In the 1930s, Stalin's secret police forced dissidents to stand for prolonged periods to coerce confessions for show trials. In 1956, experts commissioned by the CIA documented the effects of forced standing. They found that ankles and feet swell to twice their normal size, the heart rate increases, some people faint, and the kidneys eventually shut down.

After military officers raised moral and legal concerns about the tactics Rumsfeld has approved, he rescinded his approval while the Pentagon conducted an internal review.

In an April 2003 memo, Rumsfeld issued revised rules. These allowed for interrogation tactics with truly Orwellian names. These included:

''Sleep adjustment,'' which the DOD claims is not the same as sleep deprivation;

''Dietary manipulation,'' which DOD claims is not the same as food deprivation; and

''Environmental manipulation,'' which DOD acknowledges ''some nations'' may view as ''inhumane.''

White House Counsel Alberto Gonzales said these memos show that the administration engaged in a ''thorough and deliberative process'' on interrogation practices.

There is just one problem: Congress was not involved in the process. Article 1 of the Constitution says that it is Congress that makes the laws, not the President. The President cannot change the law of war or the definition of torture. Only Congress can.

The memos that were released yesterday leave many questions unanswered. They include directives related to Defense Department interrogations of detainees at Guantanamo Bay. But they do not tell us what interrogation techniques were approved for use by the CIA or other government agencies. They do not tell us what interrogation techniques were approved for use in Iraq. Yesterday, White House Counsel Gonzales said, ''We categorically reject any connection'' between the Administration's torture memos and abuses at Abu Ghraib.

But how can the administration reject these connections when the techniques that Rumsfeld approved for use in Guantanamo were also used in Abu Ghraib prison? And what about the Justice Department torture memo? According to press reports today, the administration is now disavowing the memo.

But what does that mean? The memo was apparently vetted by the Justice Department, sent to the White House, and was the basis for the Defense Department's memos on torture.

Who requested the Justice Department memo and what was done in response to the memo? Were the legal arguments contained in the memo used to justify the use of torture?

Yesterday, the President said, ''We do not condone torture. I have never ordered torture. I will never order torture.''

What definition of torture is the President using? Is it the one that the Justice Department created? What about other forms of cruel treatment that are prohibited by the Constitution, treaties and laws of the United States?

This is a very serious issue for our Nation. The world is watching us. They are asking whether the United States will stand behind its treaty obligations in the age of terrorism.

The Senate has an obligation to the Constitution and the American people to answer these questions The only way to do that is to obtain all of the relevant documents from the administration.

The great challenge of our age is combating terrorism while remaining true to the principles upon which our country was founded—liberty and the rule of law. Our laws must not fall silent during time of war.

I urge my colleagues to support the Leahy amendment.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3485

Mr. WARNER. Mr. President, the Senate now turns to the second-degree amendment and an up-or-down vote.

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 Amendment No. 3485.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

I further announce that, if present and voting, the Senator from Kansas (Mr. BROWNBACK) would vote ''no.''

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

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—46

Akaka	Durbin	Lieberman
Baucus	Edwards	Lincoln
Bayh	Feingold	Mikulski
Biden	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	
Dorgan	Levin	

NAYS—50

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeWine	McCain	

NOT VOTING—4

Bingaman	Kerry
Brownback	Sununu

The amendment (No. 3485) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3387

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3387.

The amendment (No. 3387) was agreed to.

AMENDMENT NO. 3468

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I believe the veterans health care amendment is next; is that correct?

The PRESIDING OFFICER. There are 2 minutes of debate evenly divided.

Mr. DASCHLE. Mr. President, one of the surprising aspects of the debate about the amendment now pending has been the testimonials from some colleagues who say they like the current VA funding system.

If you believe you can look veterans in the eye and tell them they are well

served by the current VA health care system, then my amendment is not for you.

If you are satisfied with telling 500,000 veterans they cannot enroll at the VA, then this amendment is not for you.

If you think the system is performing well that results in hundreds of thousands of veterans waiting months, sometimes years, to see a doctor to get prescription drugs, then vote no on this amendment.

If you feel good about voting to ask veterans to contribute more than a billion dollars out of pocket for their health care costs and send out the bill collectors to hunt them down and make sure it works, this amendment is not for you.

Lastly, if you think it is appropriate to ask hundreds of thousands of men and women to sacrifice everything for their country and not ensure that they can get access to health care when they return, my amendment is not for you.

Those considering opposing my amendment should take a look around. President Bush's own veterans health care task force, as well as the chairman and ranking member of the House Committee on Veterans Affairs, believe the current system is broken and that it urgently needs fixing and have endorsed the concept underlying this amendment. Every single veterans group in the country has done so as well.

If you believe we have an obligation to our troops, I urge you to back it up with action by voting for this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I urge my colleagues to vote against this amendment. This amendment creates a new entitlement program, set up by a formula designed to add benefits based on eligible people. My father-in-law is eligible, but he doesn't receive VA benefits. Now we are going to set that up as an entitlement that would cost $300 billion—three-fourths of the cost of the Medicare bill expansion last year? We have a lot of people saying we believe in paying for these. This was not paid for. This would increase the deficit by $300 billion.

We are doing a lot for veterans right now. If you look at it, we didn't do a lot during the Clinton administration, but we have done a lot under the Bush administration—up 50 percent in the last few years. We are going from 2004, $61 billion, to $70 billion in 2005, a 15-percent increase. Yet some people say that is still not enough.

I think this amendment is not so much about helping veterans. I think it is trying to help politicians. I urge my colleagues to sustain the budget point of order.

The pending amendment offered by the Senator from South Dakota, Mr. DASCHLE, increases mandatory spending and, if adopted, would cause the underlying bill to exceed the committee's allocation section 302(a) allocation. Therefore, I raise a point of order against the amendment pursuant to 302(f) of the Congressional Budget Act of 1974.

Mr. DASCHLE. Mr. President, I move to waive the relevant sections of the Budget Act for my amendment, and 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 motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote ''nay.''

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—49

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Edwards	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Graham (FL)	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Collins	Kohl	Snowe
Conrad	Landrieu	Specter
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Wyden
Dayton	Levin	
Dodd	Lieberman	

NAYS—48

Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Ensign	McConnell
Bennett	Enzi	Miller
Bond	Feinstein	Murkowski
Bunning	Fitzgerald	Nickles
Burns	Frist	Roberts
Campbell	Graham (SC)	Santorum
Chafee	Grassley	Sessions
Chambliss	Gregg	Shelby
Cochran	Hagel	Smith
Coleman	Hatch	Stevens
Cornyn	Hutchison	Talent
Craig	Inhofe	Thomas
Crapo	Kyl	Voinovich
DeWine	Lott	Warner

NOT VOTING—3

Brownback	Kerry	Sununu

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Virginia.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3467 WITHDRAWN

Mr. WARNER. Mr. President, I ask unanimous consent to vitiate the action on the Ensign second-degree amendment No. 3467 and withdraw it. That is a technical requirement.

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

AMENDMENT NO. 3121

Mr. ALEXANDER. Mr. President, I have submitted an amendment that makes sure that military families don't lose eligibility for Head Start, the School Breakfast and Lunch Programs, Child Care and Development Block Grants, and the Low Income Energy Assistance Program when a parent is sent off to war.

Currntly, military families living on the margin, who qualify for Federal benefits, are at risk of losing those benefits if the service member in the family qualifies for special pay. If, for example, an active duty parent is deployed to a combat zone, and begins to receive additional combat pay, the temporary increase in income may result in his or her family losing eligibility for vital social services. My amendment would preclude additional military pay, specifically combat pay and the family separation allowance, from being counted as income for purpose of determining eligibility for certain federal benefits.

The Federal programs that are affected are those that are available to all Americans and where Federal law determines eligibility and generally provide food, child care, educational, and energy assistance to needy families. More specifically, the programs that would be affected are: The School Breakfast and Lunch Programs, Child Care and Development Block Grants, Head Start, and the Low Income Energy Assistance Program.

The Subcommittee on Children and Families, which I chair, in cooperation with the Armed Services Subcommittee on Personnel, chaired by the Senator from Georgia, Mr. CHAMBLISS, has put a special focus on helping military parents raising children. Together we have held six hearings since June of last year—five in the field, and one here in Washington. A number of issues have come to the attention of Senators through these hearings. This amendment addresses one of them.

Among the many military personnel I have head from during this process are Sergeant First Class Luis Rodriguez, his wife Lilliam, and their two young daughters. Sgt. Rodriguez, with the 101st Airborne, stationed out of Fort Campbell, and his family line in Clarksville, TN. When Sgt. Rodriguez and his family moved to Fort Campbell, they tried to get one of their daughters, who was 4 years old at the time, enrolled in their local Head Start program before Sgt. Rodriguez

was shipped out to Iraq. However, the Rodriguezes were informed that they couldn't access Head Start because they were over-income because of receiving the special pay. Sgt. Rodriguez left for Iraq and in November the truck he was driving in Mosul hit an improvised explosive device, and he lost most of his right leg. Currently, he is recovering down the road at Walter Reed Medical Center, and Lilliam is spending her time among traveling up here to see her husband, tending to her girls in Tennessee, and trying to help provide for her family. I am sure if you went to Walter Reed and talked to Lilliam or Luis, they would tell you that there is something wrong when those who wear our country's uniform and their families can no longer benefit from Head Start, the School Lunch Program, or some other federal program because they've become ineligible due to the additional special pay received when they're off in harm's way protecting our country.

I thank the distinguished chairman of the Armed Services Committee for his assistance in crafting this amendment. I look forward to continuing to work with the chairman on the issue of military families, and how best to help them shoulder the burdens they face.

We rely on our servicemen and women to defend our freedom and America's interests overseas, but at times, we forget that our soldiers have a support structure of their own: their families. We should do all we can to support our service members and their families in these tough times.

AMENDMENT NO. 3441

Mr. McCAIN. Mr. President, why is this amendment needed? Congressional guidance is needed where the Air Force's conduct on its Tanker Lease Program has, to date, been unacceptable.

First, the Air Force has provided Congress inaccurate information in an attempt to justify its original proposal to lease 100 Boeing KC–767As. For example, Air Force Secretary Jim Roche has repeatedly advised Congress that, in the existing KC–135 fleet, ''corrosion is significant, pervasive, and represents an unacceptable risk.'' Secretary Roche has also emphasized to Congress increased operating costs in the current fleet as a basis for entering into the tanker lease. Air Force leadership has indicated that these elements create an ''urgent'' need to recapitalize the fleet. However, a Defense Science Board, DSB, task force found that the Air Force's claims of unmanageable corrosion problems and cost growth were overstated.

Remarkably, the task force recommended that corrosion not be cited as a justification for tanker recapitalization. As such, the task force concluded that ''[t]here is no compelling material or financial reason to initiate a replacement program prior to the completion of the [Analysis of Alternatives (AoA)] and the [Mobility Capabilities Study (MCS)].'' Thus, the task force jettisoned the ''dominant reason'' Secretary Roche first cited in his July 10, 2003, report to Congress as the basis for having taxpayers pay billions of dollars more for leasing tankers than they would for buying them. The Air Force's representations on this issue remains a matter of continuing investigative concern.

In another example, to comply with the original authorizing statute, the Air Force misrepresented to Congress that its proposal to lease 100 Boeing KC–767 tankers was merely an operating lease. This would have obviated the requirement that the White House obtain advance budget authority for the whole lease proposal. But, the DOD-Office of the Inspector General, OIG, and Program Analysis and Evaluation, PA&E, as well as the Congressional Budget Office, CBO, and the General Accounting Office, GAO, found that the procurement of these tankers is, in fact, a lease-purchase. In addition, facts surrounding the original lease proposal made it clear that the transaction was a lease-purchase: under the original proposal, the Air Force conceded that the DOD is ''committed to earmark[ing] an additional $2B in fiscal year 2008 and fiscal year 2009 for the purchase of aircraft covered by the multiyear program under the terms of the proposed contract'' to head off a funding spike over the Future-Years Defense Program.

Second, the DOD–OIG and the National Defense University, NDU, concluded that the Air Force's commercial item procurement strategy ''prevented any visibility into Boeing's costs and required the Air Force to use a fixed-price type contract . . . The strategy also exempted [Boeing] from the requirement to submit cost or pricing data. The strategy places the Department at high risk for paying excessive prices and precludes good fiduciary responsibility for DOD funds.'' The NDU similarly concluded that ''[i]n a sole source, monopoly commercial environment, the government is not served well with limited price data'' and suggested that the Air Force neglected its fiduciary/stewardship responsibilities.

Third, the DOD–OIG and the NDU also concluded that the operational requirements document, ORD, for tankers was not tailored, as it should have been, to the requirements of the warfighter, but rather to closely correlate to the Boeing KC–767A. The DOD–OIG found that senior Air Force staff directed that the ORD closely correlate to the Boeing KC–767A that was being developed for a foreign government, in anticipation of the authorizing legislation. This is particularly troubling where, according to an internal Boeing document regarding the ORD, Boeing planned to ''[e]stablish clearly defined requirements in ORD for the USAF Tanker configuration that results in an affordable solution that meets the USAF mission needs and will prevent an AOA from being conducted.'' Under the current proposal, the first 100 tankers produced will not be capable of, among other things, interoperability with Navy, Marine, or coalition assets, or simultaneously refueling more than one receiver aircraft. Rear Adm. Mark P. Fitzgerald recently suggested that in theater, such a limitation restricts the Navy's long-range striking capability and fosters a needlessly risky aerial refueling environment.

Finally, documents suggest that the Air Force allowed Boeing to modify the requirements in the ORD while it was being developed. Documents also reflect that the Air Force induced the Joint Requirements Oversight Council, JROC, into approving and validating the corrupted ORD by falsely representing that it was not tailored to a specific aircraft. This is of continuing investigative interest to the Committee.

As I've described, the history of the Air Force's attempt to recapitalize its tanker fleet has been riddled with corporate scandal, public corruption and political controversy.

This amendment attempts to make sure that any effort by the Air Force to replace its fleet of tankers is done responsibly. The amendment achieves this by doing six things.

First, the amendment seeks to have the Secretary of Defense ensure that the Air Force Secretary not acquire any aerial refueling aircraft for the Air Force, by lease or contract, either with full or open competition, until at least 60 days after the Secretary of Defense has reviewed all documentation for the acquisition, including the completed AoA, the completed aerial refueling portion of the MCS, a new, validated capabilities document and the approval of a Defense Acquisition Board. And until the Secretary of Defense has submitted to the congressional defense committees a written determination that the acquisition is in compliance with all currently applicable laws and regulations.

Among the authorities with which the acquisition decision must comply is OMB Circular A–11, revised for 2003. In other words, without substantial private-party participation, any third-party financing arrangement, particularly those structured around a ''special purpose entity,'' will be deemed to be a transaction of the government. So, under OMB Circular A–11, the transaction must be reflected in the President's budget the year that obligations arising from it are incurred. The DOD–OIG, the Congressional Budget Office, the Congressional Research Service, and others have concluded that the proposed lease of tankers is a lease-purchase—for which renegotiation of the current contract or independent authorization may be required. Therefore, under OMB Circular A–11, budget authority would be needed for the entire obligation in the first year of the lease term.

Second, not less than 45 days after the Secretary of Defense submits this

determination, the Comptroller General and the DOD–OIG shall submit to the congressional defense committees a report on whether the acquisition complies with all currently applicable laws and regulations, as well as the requirements of the amendment itself, and is consistent with the AoA and the other documentation referred to in this amendment.

Third, the acquisition by lease or contract of any aerial refueling aircraft for the Air Force beyond low-rate initial production shall be subject to (and the Secretary of Defense will comply with) the requirements of sections 2366 and 2399 of title 10, United States Code.

Fourth, before selecting the provider of integrated support for the tanker fleet, the Secretary of Defense shall perform all analysis required by law of the costs and benefits of the alternative of using Federal Government personnel and contractor personnel to provide such support. The amendment also requires the Secretary to conduct all analysis required by law of the core logistics requirements, the use of performance-based logistics and the length of the contract period. The Secretary of Defense shall then select the provider on the basis of fair, full and open competition as defined by the Office of Federal Procurement Policy Act.

Fifth, before the Secretary of Defense commits to any acquisition of aerial refueling aircraft, the Secretary shall require the manufacturer to provide, with respect to commercial items covered by the lease or contract, information on the prices at which the same or similar items have been sold that is adequate for evaluating the reasonableness of the price for those, and other commercial, items.

Finally, the Secretary of the Air Force shall contact the DOD–OIG for the review and approval of any Air Force use of non-Federal audit services for any acquisition of aerial refueling aircraft.

A few notes about the amendment.

First, this amendment opens the process to oversight by getting the DOD–OIG, the DOD–Comptroller General, and the Defense Acquisition Board, DAB, actively involved in the process. Indeed, everyone who has independently looked into how the original proposal went through had major problems with the lack of transparency. For example, DAB was completely cut out of the process. As the NDU noted, if allowed to participate, the DAB would have exercised responsibility over the selection of a preferred system alternative, acceptance of the overall acquisition strategy, and compliance with applicable policies and statutes. This amendment deals the DAB back in the process to discharge its vital function in providing comprehensive senior management review.

As another example, under this amendment, the DOD–OIG will determine, among other things, whether the data provided by the aircraft and engine manufacturer is sufficient to determine the reasonableness of the price of those items. Coupled with the amendment's requirement that the DOD–OIG approve the Air Force's use of an outside auditor, the taxpayers' interests will be protected. Furthermore, I believe that the DOD–OIG's, the NDU's, and Institute for Defense Analyses' recommendations that the Air Force Secretary negotiate the price of the engines for the tankers with the engine manufacturers need to be implemented.

The bottom line here is this. The amendment does much to inject much needed sunlight in a program whose development has been largely insulated from public scrutiny. In so doing, the amendment allows us to discharge our oversight obligations the next time around on this multi-billion dollar procurement proposal, responsibly and effectively.

Second, the amendment gives the Secretary of Defense sufficient flexibility to pursue a lease only after, among other things, an AoA is completed. The Secretary has already committed to not going forward on replacing the current fleet until an AoA (and a MCS) are completed. While giving the Secretary appropriate flexibility, the amendment requires that the Air Force go through certain hoops to make sure that any acquisition of tankers in the future, is done the right way. These hoops were loosely drawn from the recommendations of the DOD–OIG, the DSB, and the NDU, whose input the Secretary specifically asked for. I will have printed a list of findings, conclusions, and recommendations by each at the end of this statement. They must all be fully considered before any decision to recapitalize the tanker fleet is made.

Third, it generally requires the DOD and the Air Force to do nothing more than comply with currently applicable statutes, regulations and OMB Circulars. Those who looked into the Air Force's conduct regarding the original proposal agreed that the Air Force did not comply extant statutory requirements. This amendment forces the Air Force to do that.

I ask unanimous consent that the list to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE INSPECTOR GENERALS ACQUISITION OF THE BOEING KC–767A TANKER AIRCRAFT

RECOMMENDATIONS

Fully develop system engineering requirements to convert the commercial non-developmental aircraft into an integrated military configuration. Without fully developed system engineering requirements the Boeing KC–767A Tanker aircraft may not meet operational requirements for a 40-year service life as well as command, control, communications computers, and intelligence (C4I) support plan requirements, etc.

Tailor the first spiral or increment of the Operational Requirements Document (ORD) to warfighter requirements in the mission needs statement (MNS) for future aerial refueling aircraft not a specific aircraft. As a result, the first 100 KC–767A Tankers will not meet the operational requirement for interoperability and will not meet the mission capabilities in the Operational Requirements Document to conduct secondary missions, such as cargo/passenger, aeromedical evacuation mission, etc.

The Tanker Lease Program must comply with Sections 2366 and 2399 of title 10, United States Code for determining the operational effectiveness, suitability, and survivability of the Boeing 767A tanker aircraft before proceeding beyond low-rate initial production (LRIP). By not complying with the statutory provisions in Sections 2366 and 2399, the Boeing KC–767A tanker aircraft delivered to the warfighter may not be operationally effective, suitable, and survivable.

Discontinue the commercial item procurement strategy for the Boeing KC–767A Tanker Lease Program and replace fixed-price contracts for initial development, modification, and integrated fleet support with cost or fixed-price incentive type contracts that would require Boeing to provide cost or pricing data as appropriate.

Require that Boeing provide cost or pricing data for the Boeing 767–200ER aircraft, and require DOD to negotiate prices for aircraft engines directly with the engine manufacturers.

Require that the Air Force contact the Office of the Inspector General for the Department of Defense for review and approval of non-federal audit services in any lease or other contract.

Reduce the negotiated price calculated for integrated fleet support by $465 million for the misapplication of KC–10 support costs and ''performance aircraft availability.''

Perform statutory analyses of the costs and benefits of organic or contractor support, core logistics requirements, performance based logistics, and contract length before selecting a provider for integrated fleet support.

Not enter into the proposed lease for 20 Boeing KC–767A Tanker aircraft until after either obtaining new statutory authority to enter into a lease-purchase contract or renegotiating lease terms to meet Office of Management and Budget Circulars No. A–11 and A–94 requirements for an operating lease.

Determine whether leasing rather than purchasing 20 Boeing KC–767A Tanker aircraft represents the best value to the government.

Ensure the General Counsel of the Department of Defense review the limitation of earning clause and determine whether it creates a prohibited cost-plus-a-percentage-of-cost system of contracting and review clauses C–016 ''Aircraft Quantity,'' C–024 ''Anti-Deficiency Act,'' and C–103 ''Termination for Convenience—Pre-Construction Aircraft'' in the proposed contract to determine whether the contract clauses and audit rights provide sufficient controls to adequately define the extent of the Government's termination liability and to prevent a possible Anti-Deficiency Act violation if less than the full quantity of aircraft and fleet support years are leased and purchased.

Ensure that the Program Director, KC–767A System Program Office:

Establishes a process to develop a performance metric for verifying that the tanker aircraft will meet the 40-year service life requirement.

Revises the system specification for the proposed tanker aircraft to include a requirement for protective measures to control corrosion and to include requirements in the Operational Requirements Document (ORD)

for interoperability with other systems, integration of secure communications, and combat identification.

Completes the command, control, communications, computers, and intelligence support plan for the tanker aircraft; include it in the statement of work before award of the contracts and resolve issues identified before the system acceptance testing.

Ensure that the system specifications developed for the first spiral of the air refueling aircraft include at least all key performance parameters (KPPs) and that spiral two and three requirements are subsequently included in the first 100 and future aerial refueling aircraft.

Comply with the statutory provisions by conducting operational and survivability testing on production representative aircraft before committing to the production of all 100 Boeing KC–767A tanker aircraft.

DEFENSE SCIENCE BOARD TASK FORCE FINDINGS AND RECOMMENDATIONS ON AERIAL REFUELING

FINDINGS

Corrosion can be controlled.

KC–135 tanker Operation and Support (O&S) cost growth is not as large as was once projected. The Air Force overstated the case for an increase in these costs for KC–135 tankers.

The total requirement for tankers is uncertain; the Mobility Capabilities Study (MCS) needs to resolve this issue.

There is a need to embark on a tanker recapitalization program upon the completion of the Analysis of Alternatives (AOA) and the Mobility Capabilities Study (MCS); which doesn't necessarily mean acquiring new aircraft.

RECOMMENDATIONS

Do not use corrosion as a justification for tanker recapitalization.

Air Force has a robust corrosion control program.

Depot Major Structural Repairs (MSRs) appear to be decreasing.

Consensus view on corrosion is that it is manageable—DSB structural experts, commercial entities (i.e., FEDEX), other government entities (Department of the Navy (DON), U.S. Air Force 2001 Extended Service Life Study (ESLS), Congressional Research Service (CRS), General Accounting Office (GAO)).

Corrosion can be controlled with proper maintenance procedures to help reduce the cost of replacement.

Basic field level maintenance and inspection;

60-month (or shorter) cycle for depot maintenance;

Innovative procedures have reduced time in maintenance; and

Further improvements possible (i.e., sheltering, basing rotation, etc.).

It is acceptable to tolerate manageable growth in KC–135 Operation & Support (O&S) costs and defer major near-term recapitalization investments.

2001 USAF ESLS estimated—0.9% increase in O&S cost per year.

Corrosion is manageable.

Very recent USAF projection shows O&S peaked in FY04 and may turn down.

Update Tanker Requirements Study 05 (TRS05) to accommodate new tanker CONOPS.

Tanker Requirements Study 05 (TRS05) completed in FY01 was never promulgated.

TRS 05 concluded 500–600 tankers are adequate for current contingencies.

TRS 05 needs to be updated for changing tanker CONOPS.

Potential increases in requirements—''Efficiency tanking'' for loitering aircraft in kill boxes;

New planning scenarios;

Homeland defense needs—could this requirement be contracted out (i.e., Omega Air, etc.); and

Potential decreases in requirements (i.e., re-engining of B–52's, F–22/JSF CONOPS, etc.).

Consider 2001 Defense Science Board Task Force recommendation to re- engine KC–135Es and February 2004 Defense Science Board Task Force recommendation which reconfirmed value of B–52 re-engining: 10,000 mile mission (US to Afghanistan and return) would only require one refueling versus two; Fuel offload demand declines from 276K pounds to 118K pounds; and F–22/JSF capabilities may allow refueling on mission egress only.

No compelling material or financial reason to initiate a replacement program prior to the completion of the Analysis of Alternatives (AoA) and the Mobility Capabilities Study (MCS).

Resolve long-term requirements through a thorough Mobility Capabilities Study (MCS).

Consider the following near-term options: lease/buy a new tanker aircraft, re-engine the KC–135Es, convert retired commercial aircraft, encourage commercial sources for CONUS tanking.

Consider refurbishing KC–10's in the near-term:

FEDEX has converted retired DC–10s for use as cargo carriers with 20-year life for $25–$30 million per aircraft. Northwest Airlines is flying 22 DC–10s with average cycles less than 20,000.

The design service goal for DC–10s is 42,000 cycles. There are 37 large DC–10s currently in the desert with average cycles of only 18,500 cycles. Cost to refurbish KC–10s in the desert is $1–$7 million.

Aerial refueling capability installation costs based on the Institute for Defense Analyses (IDA) estimate is $20M per airframe.

We should replace the 63 remaining KC–135Es with 25 refurbished KC–10s. Dutch KDC–10 tanker conversion total cost approximately $30–$45M each. One KC–10 is the equivalent of 2.4 KC–135Es equivalents.

Consider a potential hybrid recapitalization tanker program:

Consider retiring 61 KC–135Es in the near-term, under the USAF plan and make the KC–135E tanker aircraft available to commercial entities for use as commercial tankers for CONUS missions such as training and homeland defense operations.

Phase out the remaining 63 KC–135E tankers by FY 2011 and replace them with converted KC–10s by leveraging the mothballed DC–10s in the desert and the Northwest Airlines fleet.

Work with major airframe manufacturers to develop new tanker options with more modern airframes versus the more than 20-year old Boeing 767 design.

INDUSTRIAL COLLEGE OF THE ARMED FORCES, NATIONAL DEFENSE UNIVERSITY TANKER LEASE PROGRAM ACQUISITION ''LESSONS LEARNED'' OR ''THE INNOVATOR'S DILEMMA''

FINDINGS

The enactment of Section 8159 of the FY 2002 Appropriations Act authorized a previously unarticulated requirement and specified the use of an operating lease, when it should not have done so.

The DOD budget process was by-passed with considerable risk, especially with the lost opportunity of vetting legitimate competing needs and beginning to identify total tanker program costs.

Leases, by their very nature, cost more than purchases.

The Operational Requirements Document (ORD) was not capabilities-based, as it should have been. Contractor selection was a foregone conclusion and was tailored to the Boeing 767 in the Joint Requirements Oversight Council (JROC) based on perceived guidance in the FY 2002 Appropriations Act, Section 8159.

There is a need to establish a definitive, consistent early requirements statement addressing warfighter needs founded on substantive analysis—this was not done in the Tanker Lease Program.

A program that operates in a sole source, commercial environment is especially hard pressed to carry out its charge of ensuring the government receives a fair price.

Defense program personnel do have adequate tools or training to obtain the fullest understanding of relevant commercial buying practices in acquisition of military items.

Innovation requires top-level management's constant involvement including direction, consultation and responsibility plus timely and frequent meetings of the empowered and the informed.

It should be clear that certain regulatory/statutory requirements were waived in the Tanker Lease Program: testing, independent cost estimates, Analysis of Alternatives, DAB approval, etc.

The Leasing Review Panel (LRP) was not a substitute for the Defense Acquisition Board (DAB).

RECOMMENDATIONS

Although leasing is not a preferred strategy, if DOD would pursue a lease, it needs to publish more explicit guidance on leasing in acquisition policy directives and the FAR/DFAR, at a minimum, to include the requirement to:

Formulate an early, transparent, comprehensive acquisition processes to be utilized and those to be bypassed with an assessment of associated internal and external risks.

Develop an early definitive, consistent requirements statement founded on substantive analysis and supported by a subsequent Analysis of Alternatives (AOA).

Establish an acceptable lease financing plan supported by an independent cost estimate (i.e., DOD IG, Comptroller General, etc.)

Develop a plan to maximize competition.

In all cases, convene a Defense Acquisition Board to provide for comprehensive senior management review.

DOD needs to understand when and how commercial buying practices are appropriate to satisfy military needs, if ever.

There is a need to establish procedures or authority to require both cost and pricing data for significant sole source, commercial leases or where supplier monopoly power is present. The government is not well served with only price data, particularly in a monopoly-monopsony relationship. Absent real competitive market forces, one cannot rely on pricing data to determine the appropriateness of a transaction. Legitimate monopolies are regulated by detailed cost data and prices are set on that basis. To do otherwise is to place too great a reliance for fair dealing on profit maximizing firms and to ignore the reality that firms appropriately act in their best interest.

Regardless of the foregoing, due diligence and fiduciary/stewardship responsibilities cannot be waived.

Ensure that an Analysis of Alternatives (AOA) is completed: A less than rigorous exploration/evaluation of alternative solutions than a formal Analysis of Alternatives (AOA) is unsatisfactory. There is no such thing as an ''informal'' AOA.

Authors of innovation need to develop action plans to ''accommodate'' those internal

and external stakeholders who have a legitimate interest or say in the program. Ignoring such stakeholders, even if allowed by an appropriations act or management direction, is done with some peril and consequence as the stakeholders' unanswered or discounted objections may be encountered later as the program progresses.

There is no one, uniform commercial market. Each market has unique features that must be understood in order to obtain the best contract conditions, tailored to each buyer's needs.

Ensure the Leasing Panel focuses on ways and means of leasing.

The Tanker Lease Program should be approved by a Defense Acquisition Board (DAB) in accordance with DOD regulations.

A Defense Acquisition Board (DAB) would have exercised responsibility over the substantive acquisition review issues such as: The selection of the preferred system alternative; acceptance of the overall acquisition strategy; compliance with policy and statute; and would have required a substantial review and documentation to support analyses.

Relying on Section 8159 of the FY 2002 Defense Appropriations Act, the USAF/DoD bypassed many elements of the ''normal'' acquisition system. The Tanker Lease Program system solution and the acquisition strategy (i.e., Boeing 767 & operating lease scenario) were foregone conclusions based on Section 8159 of the FY 2002 Appropriations Act. The Leasing Review Panel was not an adequate substitute for the Defense Acquisition Board (DAB), which was never convened. Furthermore, the Leasing Review Panel (LRP) never recommended the lease of 100 Boeing 767 tankers.

DOD needs to follow cost and pricing guidelines.

There should be discussion and debate, within DOD, whether a realistic price was arrived at.

The government should not have very limited cost and pricing data.

The government should expend considerable time and resources to acquire commercial pricing analysis skills.

The Tanker Lease Program approved by DOD made only limited use of considerable government buying power and leverage to obtain maximum discounts.

DOD needs to utilize competitive processes, including negotiating directly with the engine manufacturer for engines, the contractor logistics support (CLS) function and the tanker modification. The USAF appeared to rely on Section 8159 of the FY 2002 Appropriations Act for commercial sole source authority. Competitive processes were not used in the February 2002 RFI to Boeing and EADS (also a finding of the DOD IG), because there was informal information gathering, and little expectation that Congress would allow leasing of Airbus aircraft. Competitive processes were not used June 2002 for the JROC briefing and the Operational Requirements Document (ORD) was written for a specific aircraft. (i.e., Boeing KC–767) and not based on the best capabilities for the warfighter.

Publish explicit DOD guidance on leasing to include policy directives and the FAR/DFAR.

Innovation requires more, not less up-front planning (e.g., development of an acquisition strategy establishing work-arounds for processes, requirements and stakeholders that are planned to be by-passed.)

Establish procedures to require both cost and pricing data on sole source or monopoly, commercial leases.

Big ticket acquisitions is a public process, despite the level of innovation, managers must always exercise good stewardship and fiduciary responsibility—this was not the case in the Tanker Lease Program.

It is prudent, at a minimum, to develop a full operational testing plan, to perform a much more substantive analysis of alternatives, and to do an independent cost estimate based on cost, not price.

Mr. LEAHY. Mr. President, I rise today to speak about a very simple amendment that everyone should support. This amendment requires the Inspector General of the Department of Defense, DOD–IG, in consultation with the Inspectors General of the State Department and the CIA, to conduct a comprehensive investigation into the programs and activities of the Iraqi National Congress, INC.

Over the last 10 years, we have seen funds from the United States Government spent in highly questionable, if not fraudulent, ways including money spent on oil paintings and health club memberships. But this is only the tip of the iceberg. A number of serious questions remain unanswered. Here are a couple of examples:

First, the INC spent millions in setting up offices around the world, including London, Prague, Damascus, and Tehran. The State Department's internal documents indicate that they really had no idea of what was happening in some of these offices—especially Tehran. In light of the recent press reports about INC intelligence sharing with Iran, I think the DOD–IG should take a look at this issue and see what was happening in the Tehran office. We need to get to the bottom of this.

Second, the INC spent millions to set up radio and television broadcasting inside Iraq. The radio program seemed redundant as the U.S. Government was, at the time, funding Radio Free Iraq. A New York Times article questioned the effectiveness of the TV broadcasting program. Kurdish officials indicated that, despite repeated attempts, they could never pick up the INC's TV broadcast inside Iraq. This, again, raises questions about how this money was being spent. The IG should examine this issue. We need to get to the bottom of this.

Third, the INC's Information Collection Program—funded initially by the State Department and later by the Defense Department—continues to be a source of controversy and mystery. I have a memo written by the INC to Appropriations Committee staff, detailing the INC's Information Collection Program. In this memo, the INC claims to have written numerous reports to senior administration officials, who are listed in this memo, on topics including WMD proliferation. The administration disputes this claim. Again, we need to get to the bottom of this.

I could go on and on. However, in the interest of time, I will simply say that there are many serious unanswered questions about the INC's activities. What was the INC doing with U.S. taxpayer dollars? What was going on in the Tehran office? Did the Information Collection Program contribute to intelligence failures in Iraq? Were the broadcasting programs at all effective in gathering support for U.S. efforts in Iraq?

To be sure, there have been a few investigations into INC. However, these have been incomplete offering only a glimpse of what occurred. A few years ago, the State Department Inspector General issued two reports the INC. But these reports only covered $4.3 million and examined only the Washington and London offices. The State Department IG informed my office yesterday that these are the only two audits they conducted and have no plans to conduct future audits on this issue.

A GAO report, published earlier this year, summarized the different grant agreements that the State Department entered into with the INC, but this report did not attempt to answer the myriad questions that remain about the INC.

Another GAO report is underway, but this looks only at the narrow question of whether the INC violated U.S. laws concerning the use of taxpayer funds to pay for publicity or propaganda.

Finally, according to press reports, the Intelligence Committee is looking into a few issues related to the INC. My amendment is consistent with these investigations. The DOD–IG does not have to re-invent the wheel. It can build off this existing body of work to answer questions that will remain long after these investigations have been completed.

My amendment is about transparency. My amendment is about accountability. My amendment is about getting to the bottom of one of the most mismanaged programs in recent history. Most importantly, my amendment is about learning from our mistakes so we do not repeat them in the past. I urge my colleagues to support my amendment.

AMENDMENT NO. 3399, AS MODIFIED

Mr. FEINGOLD. Mr. President, I thank the chairman and the ranking member of the Armed Services Committee for working with me to accept this amendment, which represents a first step toward enhancing and strengthening transition services that are provided to our military personnel. I also thank my cosponsor, the Senator from Maine, Ms. SNOWE, for her contributions to this amendment.

As we debate the Department of Defense authorization bill today, thousands of our brave men and women in uniform are in harm's way in Iraq, Afghanistan, and elsewhere around the globe. These men and women serve with distinction and honor, and we owe them our heartfelt gratitude.

We also owe them our best effort to ensure that they receive the benefits to which their service in our Armed Forces has entitled them. I have heard time and again from military personnel and veterans who are frustrated with the system by which they apply for benefits or appeal claims for benefits. I have long been concerned that

tens of thousands of our veterans are unaware of Federal health care and other benefits for which they may be eligible, and I have undertaken numerous legislative and oversight efforts to ensure that the Department of Veterans Affairs makes outreach to our veterans and their families a priority.

While we should do more to support our veterans, we must also ensure that the men and women who are currently serving in our Armed Forces receive adequate pay and benefits, as well as services that help them to make the transition from active duty to civilian life. I am concerned that we are not doing enough to support our men and women in uniform as they prepare to retire or otherwise separate from the service or, in the case of members of our National Guard and Reserve, to demobilize from Active Duty assignments and return to their civilian lives while staying in the military or preparing to separate from the military. We must ensure that their service and sacrifice, which is much lauded during times of conflict, is not forgotten once the battles have ended and our troops have come home.

For those reasons, last month, I introduced the Veterans Enhanced Transition Services Act, VETS Act, which would improve transition services for our military personnel. My legislation would help to ensure that all military personnel receive the same services by making a number of improvements to the existing Transition Assistance Program/Disabled Transition Assistance Program, TAP/DTAP, and to the Benefits Delivery at Discharge program, by improving the process by which military personnel who are being demobilized or discharged receive medical examinations and mental health assessments, and by ensuring that military and veterans service organizations and State departments of veterans affairs are able to play an active role in assisting military personnel with the difficult decisions that are often involved in the process of discharging or demobilizing.

I am pleased that my original legislation is supported by a wide range of groups that are dedicated to serving our men and women in uniform and veterans and their families. These groups include: the American Legion; the Enlisted Association of the National Guard of the United States; the Paralyzed Veterans of America; the Reserve Officers Association; the Veterans of Foreign Wars; the Wisconsin Department of Veterans Affairs; the Wisconsin National Guard; the American Legion, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America. I will continue to work with these and other veterans and military organizations on these important issues.

The amendment that I am offering today on behalf of myself and Senator SNOWE is based on that legislation. This amendment will require the General Accounting Office, GAO, to undertake a comprehensive analysis of existing transition services for our military personnel that are administered by the Departments of Defense, Veterans Affairs, and Labor and to make recommendations to Congress on how these programs can be improved.

This study will focus on two issues: how to achieve the uniform provision of appropriate transition services to all military personnel, and the role of postdeployment and predischarge health assessments as part of the larger transition program.

I have heard from a number of Wisconsinites and members of military and veterans service organizations that our men and women in uniform do not all have access to the same transition counseling and medical services as they are demobilizing from service in Iraq, Afghanistan, and elsewhere. I have long been concerned about reports of uneven provision of services from base to base and from service to service. All of our men and women in uniform have pledged to serve our country, and all of them, at the very least, deserve to have access to the same services in return.

This amendment will require GAO to conduct an analysis of transition programs, including a history of how the programs were intended to be used when they were created and how they are being used now; whether the programs adequately address the specific needs of military personnel, including members of the National Guard and Reserve; and how transition programs differ among the services and across military installations. The GAO will also be required to make recommendations on how these programs can be improved, including an analysis of additional information that would be beneficial to members participating in transition briefings.

Under current law, the Department of Defense, together with the Departments of Veterans Affairs—VA—and Labor, provide preseparation counseling for military personnel who are preparing to leave the service. This counseling provides service members with valuable information about benefits that they have earned through their service to our country such as education benefits through the GI Bill and health care and other benefits through the VA. Personnel also learn about programs such as Troops to Teachers and have access to employment assistance for themselves and, where appropriate, their spouses.

Currently, participation in this program is encouraged, but not mandatory. Thus, most of the responsibility for getting information about benefits and programs falls on the military personnel themselves. Participation in preseparation counseling through a TAP/DTAP program is a valuable tool for personnel as they transition back to civilian life. The Department of Defense should make every effort to ensure that all members participate in this important program, and my amendment would require the GAO to analyze participation rates and make recommendations on how the Department of Defense could better encourage participation, and whether participation in a transition program should be mandatory.

In addition, GAO would be required to make recommendations on any information that should be added to the transition briefings, such as information on procurement opportunities for veterans with service-connected disabilities and for other veterans. I thank the Senator from Maine, Ms. SNOWE, the chairman of the Small Business Committee, for making the important point that Federal law requires that a certain percentage of contracts be awarded to firms owned by veterans with service-connected disabilities. Additionally, the Small Business Administration and other agencies administer programs to make all veterans aware of procurement opportunities. I agree with her that the transition process is a commonsense place to make these personnel aware of these opportunities. For that reason, our amendment also requires that the Department of Defense include information about these contracting opportunities in its transition program.

The amendment would also require the GAO to study how the transition programs administered by the VA and by the Department of Labor fit into this transition effort. This analysis would include a discussion of the joint DOD–VA Benefits Delivery at Discharge program, which assists personnel in applying for VA disability benefits before they are discharged from the military. This very successful program has helped to cut the redtape and to speed the processing time for many veterans who are entitled to VA disability benefits.

In addition, under current law, the Secretary of Defense may make use of the services provided by military and veterans service organizations as part of the transition process. But these groups tell me that they are not always allowed access to transition briefings that are conducted for our personnel. For that reason, this amendment would require GAO to include an analysis of the participation of military and veterans service organizations in preseparation briefings, including recommendations on how the Department of Defense could make better use of representatives of veterans service organizations who are recognized by the Secretary of Veterans Affairs for the representation of military personnel in VA proceedings.

The demobilization and discharge process presents our service members with a sometimes confusing and often overwhelming amount of information and paperwork that must be digested and sometimes signed in a very short period of time. The opportunity to

speak with fellow veterans who have been through this process and who have been accredited to represent veterans in VA proceedings by the VA can be invaluable to military personnel as they seek to wade through this maze of paperwork. These veterans can offer important advice about benefits and other choices that military personnel have to make as they are being discharged or demobilized. I commend the Senator from Louisiana, Ms. LANDRIEU, for offering an amendment which has already been accepted to this bill that reaffirms the importance of allowing veterans service organizations to participate in transition briefings and that also encourages their involvement in counseling members of the National Guard and Reserve who have been demobilized. The Landrieu amendment is consistent with provisions in my legislation, the VETS Act, and I am pleased that the Senate has gone on record in support of allowing these dedicated members of our veterans service organizations, who have taken the time to get accredited by the Secretary of Veterans Affairs in order to counsel and represent their fellow veterans, to participate in transition briefings.

In addition to the uneven provision of transition services, I have long been concerned about the immediate and long-term health effects that military deployments have on our men and women in uniform. I regret that, too often, the burden of responsibility for proving that a condition is related to military service falls on the personnel themselves. Our men and women in uniform deserve the benefit of the doubt, and should not have to fight the Department of Defense or the VA for benefits that they have earned through their service to our Nation.

Part of the process of protecting the health of our men and women in uniform is to ensure that the Department of Defense carries out its responsibility to provide postdeployment physicals for military personnel. I am deeply concerned about stories of personnel who are experiencing long delays as they wait for their postdeployment physicals and who end up choosing not to have these important physicals in order to get home to their families that much sooner. I am equally concerned about reports that some personnel who did not receive such a physical—either by their own choice or because such a physical was not available—are now having trouble as they apply for benefits for a service-connected condition.

I am pleased that the underlying bill contains a provision that would require postdeployment physicals for military personnel who are separating from Active-Duty service. I firmly believe, as do the military and veterans groups that support my VETS Act legislation, that our men and women in uniform are entitled to a prompt, high quality physical examination as part of the demobilization process. These individuals have voluntarily put themselves in harm's way for our benefit. We should ensure that the Department of Defense makes every effort to determine whether they have experienced—or could experience—any health effects as a result of their service.

I am also pleased that the Senate has already adopted an amendment offered by the Senator from New York, Mrs. CLINTON, and the Senator from Missouri, Mr. TALENT, that will help to improve the medical readiness of our men and women in uniform and to ensure their health is monitored before, during, and after deployments so that there is a record of any service-connected conditions or exposures.

Building on this effort, my amendment would require the GAO to include in its study of transition services an analysis of the use of postdeployment and predischarge health screenings and whether and how these screenings and the transition program could be integrated into a single, coordinated preseparation program for military personnel who are being discharged or released from active duty. The analysis would also include information on how postdeployment questionnaires are used, the extent to which military personnel waive physical exams, and how and the extent to which personnel are referred for followup health care.

I am also concerned about the implementation of current law with respect to the current requirement that postdeployment medical examinations include a mental health assessment. Our men and women in uniform serve in difficult circumstances far from home, and too many of them witness or experience violence and horrific situations that most of us cannot even begin to imagine. These men and women, many of whom are just out of high school or college when they sign up, may suffer long-term physical and mental fallout from their experiences and may feel reluctant to seek counseling or other assistance to deal with their experiences.

We can and should do more to ensure that the mental health of our men and women in uniform is a top priority, and that the stigma that is too often attached to seeking assistance is ended. To that end, this amendment requires that GAO include in its analysis a discussion of the current process by which mental health screenings are conducted, followup mental health care is provided for, and services are provided in cases of posttraumatic stress disorder and related conditions in connection with discharge and release from active duty. This will include an analysis of the number of persons treated, the types of interventions, and the programs that are in place for each branch of the Armed Forces to identify and treat cases of PTSD and related conditions.

As part of its study on these important issues, GAO is directed to obtain views from the Secretary of Defense and the Secretaries of the military departments; the Secretaries of Veterans Affairs and Labor; military personnel who have received the transition assistance programs covered by this study and personnel who have declined to participate in these transition programs; representatives of military and veterans service organizations; and persons with expertise in health care, including mental health care, provided under the Defense Health Program, including personnel from the Departments of Defense and Veterans Affairs and persons in the private sector.

Finally, in response to concerns I have heard from a number of my constituents, this amendment also directs the Secretaries of Defense and Labor to jointly report to Congress on ways in which DOD training and certification standards could be coordinated with Government and private-sector training and certification standards for corresponding civilian occupations.

Again, I thank the chairman and the ranking member of the committee for working with me to include these provisions in the bill. I will continue to work to ensure that we provide those serving in our Armed Forces with the help they need and deserve in making the often-difficult transition back to civilian life.

MILITARY HOUSING PRIVATIZATION

Mr. CHAMBLISS. Mr. President, I rise today to discuss a very important matter to me, to my home State of Georgia and to our Nation's military. A few years ago this Congress authorized the military housing privatization initiative. This program, which brings to bear private sector experience and financial strength to improve the quality of life for our soldiers, sailors, airmen, Marines and their families, has been a resounding success. To date, the U.S. Armed Forces have privatized over 60,000 housing units, leveraging more than $10 for every Government dollar invested. Out-dated, and World War II era, housing is being replaced with modern homes and amenities that our servicemen and women so richly deserve. This process is taking place across the country, from Camp Pendleton Marine Corps Base in California to Fort Bragg in North Carolina to Fort Benning, GA.

However, there is an issue which threatens the livelihood and progress of this program and which the Congress must act now to address. The way the Congressional Budget Office is scoring expenditures for this program causes the program to exceed the authorized spending cap. The CBO scoring assumes that the Government guarantees and the management of the housing projects in question have direct budget implications. However, military families sign leases and rent the units and private companies assume the investment risk, so the CBO scoring, incorrectly in my opinion, treats these costs as an obligation on behalf of the Government. I believe we need to either significantly raise the current cost cap for the program or eliminate it entirely in order to make available an

adequate funding stream to see this important project through to completion.

The Department of Defense has established a master plan which will privatize approximately 160,000–170,000, or over 70 percent, of existing family housing units. Currently, DoD is about half way towards completing that goal. We should allow this well-functioning program to continue for the benefit of our men and women in uniform, and we should follow the traditional scoring guidelines which we have used for the past 5 years in order to accurately determine the actual costs.

I thank the Chair for the opportunity to discuss this very important issue, and I look forward to working with my colleagues in the relevant committees to resolve this situation in a positive manner.

Mr. FEINGOLD. Mr. President, I support passage of this year's Defense authorization bill because it contains many provisions that our brave men and women in uniform need and deserve. But before I go into the details of why I am supporting this legislation, I must first thank the members of the United States Armed Forces for their service to our country. They are performing admirably under difficult circumstances all over the world. Our soldiers, sailors, airmen, and Marines, along with their families, are making great sacrifices in service to our country. I am voting for this legislation to support these people who are serving the country with such courage.

I strongly support the 3.5 percent across-the-board pay raise for military personnel that this bill provides. We must make sure that our professional military is paid a fair wage. This bill also makes permanent the increase in family separation allowance and imminent danger pay, another important policy for our men and women in uniform. Once again, I was proud to support the expansion of full-time TRICARE health insurance for our National Guard and Reserve. The reserve component is being used more than at any other time since World War II. Forty percent of our troops in Iraq are reserve component troops. These citizen soldiers face additional burdens when they transition in and out of their civilian life and providing them and their families with TRICARE is one way we can ease those burdens.

Another aspect of this bill that I strongly support is the increased funding for force protection equipment. Last year, concerned Wisconsinites contacted my office telling me that they or their deployed loved ones were fighting for their country in Iraq without the equipment they needed. This situation is unconscionable. I have repeatedly pressed the Pentagon to fix this situation and I and my colleagues went a long way in addressing these shortages in the supplemental spending bill for Iraq and Afghanistan. The $925 million for additional up-armored HUMVEES and other ballistic protection as well as the $600 million in force protection gear and combat clothing in this bill above what was in the President's proposed budget further ensures that our troops have the equipment they need to perform their duties on the ground.

I am pleased that the Senate approved my amendment to ensure that the Inspector General for the Coalition Provisional Authority will continue to oversee U.S. reconstruction efforts in Iraq after June 30 of this year as the Special Inspector General for Iraq reconstruction. The American taxpayers have been asked to shoulder a tremendous burden in Iraq, and we must ensure that their dollars are spent wisely and efficiently. Today, the CPA is phasing out, but the reconstruction effort has only just begun. As of mid-May, only $4.2 billion of the $18.4 billion that Congress appropriated for reconstruction in November had even been obligated. With multiple agencies involved and a budget that exceeds the entire foreign operations appropriation for this fiscal year, U.S. taxpayer-funded reconstruction efforts should have a focused oversight effort. My amendment will ensure that the Inspector General's office can continue its important work even after June 30, rather than being compelled to start wrapping up and shutting down while so much remains to be done. This is good news for the reconstruction effort, and good news for American taxpayers.

I also want to thank the chairman and the ranking member of the Armed Services Committee for working with me to accept the amendment that I offered with the Senator from Maine, Ms. SNOWE, which represents a first step toward enhancing and strengthening transition services that are provided to our military personnel. This amendment will require the General Accounting Office to undertake a comprehensive analysis of existing transition services for our military personnel that are administered by the Department of Defense, Veterans Affairs, and Labor and to make recommendations to Congress on how these programs can be improved. This study will focus on two issues: how to achieve the uniform provision of appropriate transition services to all military personnel, and the role of post-deployment and pre-discharge health assessments as part of the large transition program. I very much look forward to reviewing the results of this study.

The Senate version of the Defense authorization bill also includes a provision finally fulfilling a goal for which I have been fighting for years—making sure that every State and territory has at least one Weapons of mass Destruction Civil Support Team, WMD–CST. I was delighted earlier this year when Wisconsin was chosen as one of 12 States to receive a WMD–CST authorized and appropriated for in FY2004, but I was also disappointed that the President's proposed budget for FY2005 included funding for only 4 of the 11 outstanding teams. I, along with 28 of my colleagues, wrote the Senate Armed Services Committee chairman and ranking member asking them to fully fund all 11 remaining teams. The chairman and ranking member have been very supportive of my efforts in this area over the years, and I thank them again this year for funding all 11 remaining WMD–CSTs.

This authorization bill addresses the grave threat our Nation faces from unsecured nuclear materials. It includes $409 million for the Cooperative Threat Reduction program and $1.3 billion for the Department of Energy nonproliferation programs. I was also proud to cosponsor the amendment offered by Senator DOMENICI and Senator FEINSTEIN that authorizes the Department of Energy to secure the tons of fissile material scattered around the world. This bipartisan initiative aims to dramatically accelerate current efforts to the world. This bipartisan initiative aims to dramatically accelerate current efforts to secure this dangerous material so that it cannot fall into the hands of those who aim to harm us. Time is of essence, and I was pleased to hear that the administration is fully supportive of this efforts through the Global Threat Reduction Initiative.

I also voted for an amendment offered by Senator REED that boosts the Army's end strength by 20,000. I did so because it has become clear that the Army is currently overstretched, and I believe that we need to ensure readiness to handle threats in the future. A recent Brookings Institution report says that the military is being stretched so thin that if we don't expand its size, it could break the back of our all-volunteer Army. One does not have to support all of the deployment decisions that brought us to this point today to see that we need to have the capacity to handle multiple crises with sufficient manpower and strength. I do not take lightly the decision to lock in a significant increase in spending. The need is great, however, and the deliberative defense authorization process, not the emergency supplemental process, is the place to do it.

I must note that, unfortunately, this bill has many of the same problems that I've been fighting to fix for years. Once again, we are spending billions upon billions of dollars for weapons systems more suited for the Cold War than the fight against terrorism. I was very disappointed that the Senate did not agree to Senator LEVIN's amendment that would have used a small percentage of the over $10 billion authorized for missile defense for critical unfunded homeland defense needs. This amendment, which I cosponsored, would have used $515.5 million now slated for additional untested interceptors and spent it instead on the top unfunded Department of Defense homeland defense priorities, research and development programs, radiation detection equipment at seaports, and

other important defenses against terrorism. Budgeting is about setting priorities and I am sad to say that when the Senate failed to adopt Senator LEVIN's amendment, it missed a golden opportunity to adjust its priorities in order to face our country's most pressing threat—the threat of terrorism.

I was disappointed that the Senate failed to reduce the retirement age for those in the National Guard and Reserve from 60 to 55. Our country has placed unprecedented demands upon the Guard and Reserve since September 11, 2001, and will continue to do so for the foreseeable future. Considering the demands we are placing on them, it is time that we lower the Guard and Reserve's retirement age to the same level as civilian Federal employees.

Although my support for reducing the reserve component retirement age has been unwavering, because of the significant budgetary impact of this measure I had hoped that Congress would first receive reviews of reserve compensation providing all of the information that we need to address this issue responsibly. I patiently waited for several studies on this issue, including by the Defense Department, but when the studies came out they called for further study. This matter cannot continue to languish unaddressed indefinitely. As retired U.S. Air Force Colonel Steve Strobridge, government relations director for the Military Officers Association of America, MOAA, put it, ''It is time to fish or cut bait.'' I agree with MOAA's analysis that, ''Further delay on this important practical and emotional issue poses significant risks to long-term (Guard and Reserve) retention'' and I was proud to vote for the amendment offered by the Senator from New Jersey, Mr. CORZINE.

I also believe that the Senate missed an opportunity to provide a small but needed measure of relief to military families when it failed to adopt my Military Family Leave Act amendment. This amendment would have allowed a spouse, child, or parent who already qualifies for Family and Medical Leave Act, FMLA benefits—unpaid leave—to use those existing benefits for issues directly arising from the deployment of a family member. The Senate adopted a similar amendment by unanimous consent when I offered it to the Iraq supplemental spending bill. This amendment has the support of the Military Officers Association of America, the Enlisted Association of the National Guard of the United States, the Reserve Officers Association, the National Guard Association of the United States, the National Military Family Association, and the National Partnership for Women and Families.

I regret that a harmful second degree amendment was offered to my amendment and that I was not given the opportunity to have a straight up or down vote. Rather than taking up the Senate's time in a protracted debate about the second degree amendment, I withdrew my amendment so that this important Defense authorization bill could move forward. However, the need addressed by my amendment remains, and I will continue to fight to bring some relief to military families that sacrifice so much for all of us.

I want to bring attention to another element of the Defense Authorization bill that raises concerns for me. The Defense Authorization bill includes language that raises troop caps in Colombia from 400 to 800 military personnel and from 400 civilian contractors to 600. I am disappointed that Senator BYRD's amendment was not approved by the Senate, which would have limited the increases in these caps to the levels established by the bill. Most importantly, I worry about placing more Americans in harm's way in Colombia. Further deployments bring greater risks to an already overstretched military. We do not want to risk being drawn further into Colombia's civil war—certainly not without a thorough debate that the American people can follow. In addition, many of my constituents and I remain concerned that by raising these caps, the U.S. devotes greater resources to the military side of the equation in Colombia without balancing our approach through greater support for democratic institutions, increasing economic development, and supporting human rights.

There are other provisions in this bill with which I disagree, and the Senate rejected a number of amendments that would have made this bill better. However, on balance this legislation contains many good provisions for our men and women in uniform and their families and that is why I will vote for it.

Mr. MCCAIN. Mr. President, I strongly support the passage of S. 2400, the National Defense Authorization Act for Fiscal Year 2005. This legislation funds $422.2 billion for defense programs, which is a 3.4 percent increase or $20.9 billion above the amount approved by Congress last year. I commend the bill managers, Senators WARNER and LEVIN, for their leadership both in the Committee and on the floor these past weeks. This is a very important bill, and I am pleased we are about to proceed to final passage.

Yesterday, I had a lengthy statement on the Boeing 767 Tanker Lease Program so I will not take up more of the Senate's time now, except to say that the amendment that was included in this bill is critical because congressional guidance is needed where the Air force's conduct on its Tanker Lease Program has, to date, been unacceptable. With regard to the Boeing 767 Tanker Lease Program, the Department of Defense and the Air Force leadership have obfuscated, delayed, and withheld information from Congress and the taxpayers. Therefore, the tanker amendment attempts to make sure that any effort by the Air Force to replace its fleet of tankers is done responsibly. We should expect no less from the Air Force.

The adopted amendment does much to inject needed sunlight on a program whose development has been largely insulated from public scrutiny. It will allow us to discharge responsibly and effectively our oversight obligations the next time around on this multi-billion dollar procurement proposal.

The men and women of our nation's Armed Forces put their lives on the line every day to protect the very freedoms we as Americans hold dear. It is our obligation to provide key quality of life benefits to the members of our military. Great strides will be made by this bill towards accomplishing that goal. For example, this bill authorizes a 3.5 percent across-the-board pay raise for all military personnel. It also repeals the requirement for military members to pay subsistence charges while hospitalized, and adds $7.8 million for expanded care and services at the Walter Reed Amputee Patient Care Center. Also included in the legislation is a permanent increase in the rate of family separation allowance from $100 per month to $250 per month as well as a permanent increase in the rate of special pay for duty subject to hostile fire or imminent danger from $150 per month to $225 per month.

We continue to be increasingly reliant on the men and women of our Reserve forces and National Guard. In fact, 40 percent of all the ground troops in Iraq and Afghanistan are composed of National Guard and Reserve forces as well as nearly all of the ground forces in Kosovo, Bosnia, and the Sinai. Many of these soldiers and sailors leave behind friends, families, and careers to defend our Nation. Accordingly, it is the responsibility of policy makers to ensure that we look after the needs of these patriots. Included in the legislation is the authorization for full medical and dental examinations and requisite inoculations when reservists mobilize and demobilize as well as a new requirement for pre-separation physical examinations for members of the reserve component. This provision is critical to maintain, and in some circumstances, will help to increase the readiness of the Total Force.

The Senate also adopted an important amendment to authorize an increase in the size of our Army by 20,000. This increase is absolutely vital in our Army's ability to carry out its mission in the Global War on Terror. There is no shortage of evidence supporting an increase in Army end strength. Recently, the Army pulled 3,600 troops out of South Korea to fill critical needs in Iraq. The Army is also looking to deploy to Iraq the 11th Armored Calvary Regiment. This is an elite unit that serves in desert training exercises. In addition, for the first time in over 10 years, the Army is pulling people out of the Individual Ready Reserve to fill critical needs. The Department of Defense should be able to move troops around as needed to address critical needs, however, in this instance, we are sacrificing our readiness on the Korean

peninsula because we do not have enough soldiers serving in the Army.

After returning home for a short period of time, soldiers and Marines are already making preparations for their second tour in Iraq or Afghanistan in as many years. This is not good for morale, this is not good for retention, this is not good for readiness, and this is not good for the soldier's families. Eventually, recruitment will be seriously affected by these trends.

Additionally, the Army recently announced a new stop-loss policy. While I certainly recognize the Army's authority and necessity to issue stop loss orders, their issuance in this instance is yet another reason why we need to increase the size of the Army. For all the benefits in group cohesion that results from extended tours, the Army will be facing a serious crisis when it comes time for these soldiers to reenlist on their own accord. I am concerned about the effect that these stop-loss orders will have on the morale of our Army. While I still do not believe that we need a draft, we do need to increase the size of the Army to carry out important defense missions.

These are some aspects of this legislation that I do not support. For example, once again, this bill lent the opportunity for protectionist Buy America amendments. In a similar fashion as last year, the Senate had to beat back an amendment that sought to protect parochial interests at the cost of our defense industry and American jobs. It seems as if every year, we fight the same fight on the Senate floor.

A sound policy which the Senate has adopted in the past is that we need to provide American servicemen and women with the best equipment at the best price for the American taxpayer. This is the policy we need to continue to follow.

The international considerations of this amendment are immense. such an isolationist, go-it-alone approach would have serious consequences on our relationship with our allies. Furthermore, our country is threatened when we ignore our trade agreements. Currently, the U.S. enjoys a trade balance in defense exports of 6-to-1 in its favor with respect to Europe, and about 12-to-1 with respect to the rest of the world. We don't need protectionist measures to insulate our defense or aerospace industries. If we stumble down the road of protectionist policies, our allies will retaliate and the ability to sell U.S. equipment as a means to greater interoperability with NATO and non-NATO allies would be seriously undercut. Critical international programs, such as the Joint Strike Fighter and missile defense, would likely be terminated as our allies reassess our defense cooperative trading relationship.

On another important policy consideration, the Senate also successfully defeated an amendment aimed at canceling the upcoming BRAC round. BRAC has taken on a new significance in the War against Terror. Never has there been a time in recent memory when it has been more important not to waste money on non-essential expenditures. To continue to sustain an infrastructure that exceeds our strategic and tactical needs will make less funding available to the forces that we are relying on to destroy the international network of terrorism.

The Department of Defense has come out with very fair and reasonable criteria used to select what bases are chosen for BRAC. I have every confidence the Secretary of Defense will carry out this round of BRAC in a just and consistent manner. Sooner or later, surplus bases must be closed. Delaying or canceling BRAC would only make the process more difficult and painful than need be. The sooner the issue is addressed, the greater will be the savings that will ultimately go toward defense modernization and better pay and benefits for our hard-working service members.

I understand some of my colleagues may be concerned about the potential negative effects a base closure may have on their local economy. Previous base closure rounds have had many success stories. For example, after England Air Force Base closed in 1992, Alexandria, LA, benefited from the creation of over 1,400 jobs—nearly double the number of jobs lost. Across the U.S., about 60,000 new jobs have been created at closing military bases. At bases closed more than 2 years, nearly 75 percent of the civilian jobs have been replaced. This is not to say that base closures are easy for any community, but it does suggest that communities can and will continue to thrive.

Americans are blessed with nearly limitless freedoms and liberties. In exchange for all our country gives to us, it does not demand much in return. Yet throughout our history, millions of people have volunteered to give back to their nation through military service. The selfless acts of courage and sacrifice made by the men and women in our armed services have elevated our Nation to the greatness we enjoy today.

America is defined not by its power but by its ideals. One of the great strengths of the American public is the desire to serve a cause greater than our own self interest. All too often, our younger generations are accused of selfishness and an unwillingness to sacrifice. I disagree. I see generations of people yearning to serve and help their fellow citizens. Each year, thousands of our young Americans decide to dedicate a few years or even a full career to protecting the rights and liberties of others. They often do this with very real risks to their lives. They volunteer to do this not for profit, nor for self-promotion, but out of a sense of duty, service, and patriotism.

I urge my colleagues to support this important legislation.

Mr. WARNER. Mr. President, I wish to thank so many who made possible the next vote. First, our leadership and the members of our committee, our committee staff, and particularly my distinguished ranking member, with a special thanks to both the Democratic whip and the Republican whip for their special time on the floor.

I ask for the third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote ''yea.''

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—97

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

NOT VOTING—3

Brownback	Kerry	Sununu

The bill (S. 2400) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that S. 2400 as amended be printed as passed.

The PRESIDING OFFICER. Without objection.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed immediately to the consideration en bloc of S. 2401 through S. 2403—Calendar Order Nos. 504, 505 and 506; that all after the enacting clause of those bills be stricken and the appropriate portion of S. 2400, as amended, be inserted in lieu thereof, according to the schedule which I am sending to the desk; that these bills be advanced to third reading and passed; that the motions to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

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

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The bill (S. 2401) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

(The text of the bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2005

The bill (S. 2402) to authorize appropriations for fiscal year 2005 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

(The text of the bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2005

The bill (S. 2403) to authorize appropriations for fiscal year 2005 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. WARNER. Mr. President, with respect to H.R. 4200—Calendar Order No. 537—the House-passed version of the National Defense Authorization Act for Fiscal Year 2005, I ask unanimous consent that the Senate turn to its immediate consideration; that all after the enacting clause be stricken and the text of S. 2400, as passed, be substituted in lieu thereof; that the bill be advanced to third reading and passed; that the Senate insist on its amendment to the bill and request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees; that the motion to reconsider the above-mentioned votes be laid upon the table; and that the foregoing occur without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, we are not prepared to go to conference tonight. We will consult with some of our colleagues tomorrow morning, and we certainly have no intention of delaying conference. But it is our hope that we will have an opportunity to consult a little bit more about some of the issues we expect to be raised.

For that purpose, I object to the portion of the request which would allow the conference to begin.

The PRESIDING OFFICER. Objection is heard.

Without objection, H.R. 4200, as amended, is passed.

Mr. WARNER. Mr. President, that concludes the matters addressing the bill. I thank the leadership of both sides, members of our committee, and the wonderful, fine staff we have, particularly my staff, Mrs. Ansley, and my good colleague over here, my partner for these 26 years we have been in the Senate. Guess we landed another one, not necessarily in record time. Our calculation is 16 legislative days. So perhaps we have set something of a record as the days were fairly consecutive.

I thank the chief of staff sitting here. Thank you, Captain.

Mr. LEVIN. Mr. President, as always, the Senate is very much in the debt of our chairman, JOHN WARNER, an extraordinary human being and leader. This could not have happened without his leadership.

My staff, Dick Debobes, and all of our minority staff deserve extraordinary credit for getting this done. It would have taken twice as long but for our staff. I don't know—16 legislative days. It would have been double that number of days but for our staff, Judy Ansley and her staff. We thank them. Our staff worked together on a bipartisan basis. The Nation and our men and women in the Armed Forces owe them a huge debt. It is our staff—they will never know the names of our staff, probably, but they will be safer, more secure, better trained, better equipped, and have better benefits because of the work of our staff and the members of our committee who worked on a bipartisan basis under the leadership of JOHN WARNER.

Again, I take my hat off to our chairman. He has really done a wonderful job on this bill. It took a little longer than expected, but again we worked through a huge number of amendments, perhaps a record number of amendments.

Mr. WARNER. I thank my friend. These many years we have worked, really, as partners, and achieved one of the highest degrees of bipartisanship in the discharge of our respective responsibilities, together with the staffs.

Mr. LEVIN. Mr. President, we would not be at this point in our deliberations were it not for the extraordinary work and cooperation on a bipartisan basis of all of our committee members and all of our committee staff. Once again, our Committee and the Senate have put the interests of our country first and we all can be very proud of that.

I take just a moment to acknowledge and thank the minority staff members of the Committee on Armed Services for their extraordinary work on S. 2400, the National Defense Authorization Act for Fiscal Year 2005. You don't get to final passage of this massive and important bill without having staff who are willing to give hours and hours of hard work and make many personal sacrifices. The committee and the Senate are so fortunate to have men and women of their expertise and dedication so ably assisting us on this bill. Rick DeBobes leads our minority staff of seventeen. Though small in numbers, they all make huge contributions to the work of the committee each and every day. Mr. President, as a tribute to their professionalism and with my thanks, I recognize Chris Cowart, Dan Cox, Madelyn Creedon, Mitch Crosswait, Rick DeBodes, Brie Eisen, Evelyn Farkas, Richard Fieldhouse, Creighton Greene, Jeremy Hekhuis, Bridget Higgins, Maren Leed, Gary Leeling, Peter Levine, Mike McCord, Bill Monahan, and Arun Seraphin.

Mr. WARNER. Mr. President, I ask unanimous consent to have the names of staff printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES

Judith A. Ansley, Charles W. Alsup, Michael N. Berger, June M. Borawski, Leah C. Brewer, Alison E. Brill, Jennifer D. Cave, L. David Cherington, Marie Fabrizio Dickinson, Regina A. Dubey, Andrew W. Florell, Brian R. Green, William C. Greenwalt, Ambrose R. Hock, Gary J. Howard, Jennifer Key, Gregory T. Kiley, Thomas L. MacKenzie, Elaine A. McCusker, Lucian L. Niemeyer, Cindy Pearson, Paula J. Philbin, Lynn F. Rusten, Joseph T. Sixeas, Scott W. Stucky, Diana G. Tabler, Richard F. Walsh, Bridget E. Ward, Nicholas W. West, and Pendred K. Wilson.

Mr. WARNER. I am happy at this time to yield the desk back to the majority leader. I hope I never see this again for another year.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I think the most recent tribute by each of the managers to each other is yet another illustration of the kind of bipartisanship that is so routinely achieved in the Armed Services Committee. Thanks for the extraordinary leadership and effort of

these two genuine patriots. I admire the work they do. They set a standard for the rest of us. I admire, especially, the manner with which they have managed this legislation. This has been one of the toughest jobs we have had in a long time. They have done it admirably. We owe them a debt of gratitude, not only for the work done but for the manner with which they have done it. I congratulate them both.

Mr. WARNER. I thank the distinguished minority leader very much for his words.

Mr. FRIST. I, too, congratulate both of the managers. It has been a long month. It has been 16 days, but since March 17 we actually started the bill. There was a lot in the background people did not see in terms of progress being made, setbacks along the way and negotiations and discussions, both inside each caucus as well as debate on the floor. It is a real privilege to be the leader of both managers and of both caucuses, working together to produce a bill that a few minutes ago we passed, a bill we can all be very proud of. I appreciate everyone's cooperation, participation, diligence, and focus throughout.

Mr. WARNER. I thank our distinguished majority leader, truly a very gracious soul and of pure heart.

Mr. FRIST. 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 the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent that my vote on amendment No. 3352 to S. 2400, rollcall No. 129, be changed to yea. I understand this will not change the outcome of the vote.

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

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I today speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In March 1999 in Decatur, IL, a university student was beaten by three men who allegedly made anti-gay remarks.

Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

HONORING USCG COMMANDER TIMOTHY ALAN COOK

Mrs. MURRAY. Mr. President, I rise today to honor Commander Timothy Alan Cook for his service to the United States Senate and his continued service to our country in the United States Coast Guard.

Commander Cook has been detailed to be the Coast Guard Liaison to the United States Senate since July 2001, and I am proud to have had the opportunity to work closely with him over the past 3 years. In my leadership roles on the Transportation and Homeland Security Appropriations Subcommittees, my staff and I have often relied on Commander Cook's tremendous grasp on the inner-workings of both the Coast Guard and the Senate.

Commander Cook began his Senate career in 1997 as the Coast Guard Fellow to the Commerce, Science, and Transportation Committee, Oceans and Fisheries Subcommittee. However, his Coast Guard career began more than a decade earlier as a 1986 graduate of the U.S. Coast Guard Academy.

Then-Ensign Cook's first tour was as Deck Watch Officer aboard the Medium Endurance Cutter DAUNTLESS (WMEC 624) then stationed in Miami Beach, FL. In 1988 he became Executive Officer of the Fast Patrol Boat MANITOU (WPB 1302) also stationed in Miami Beach, FL.

He was selected for the Coast Guard Academy Postgraduate Instructor Program in 1990 and attended Duke University where he received his Master of Arts degree in Public Policy. CDR Cook taught U.S. History and American Government in the Coast Guard Academy Humanities Department from 1992 to 1995. During this period he also qualified as Deck Watch Officer on the Coast Guard Tall Ship EAGLE (WIX 327).

In 1995 he assumed Command of the Fast Patrol Boat MAUI (WPB 1304) stationed in Miami Beach, FL. During this time he also completed a Master of Arts degree in Political Science from Brown University.

Then, following his service at the Senate Commerce Committee, Commander Cook became Executive Officer of the Medium Endurance Cutter BEAR (WMEC 901) at the mid-point of its 106-day Mediterranean cruise. During his tour he completed numerous patrols in the Caribbean conducting the Coast Guard law enforcement and search and rescue missions.

This week, Commander Cook will leave his post as the Coast Guard's Senate Liaison. He will be missed in the United States Senate, but the Coast Guard needs his expertise on the Deepwater Acquisition Program.

It has been my pleasure to work with Commander Cook. On behalf of the Senators and staff who have also been fortunate to work with him, I wish Commander Cook, his wife Nancy and their two sons, Evan and Joel, the best in all of their future endeavors.

RHODE ISLAND VETERANS POST OFFICE BUILDING

Mr. REED. Mr. President, I am pleased that the Senate passed legislation, H.R. 3942, earlier this month to redesignate the U.S. Post Office in Middletown the ''Rhode Island Veterans Post Office Building,'' and I thank Congressman PATRICK KENNEDY for introducing this important legislation in the House of Representatives. I recognize the important contributions and sacrifices that our military veterans have made for our country. The celebration of the 60th anniversary of the D-Day invasion at Normandy this month again highlighted the great sacrifices that our brave soldiers have made, and continue to make today in Afghanistan, Iraq and throughout the world. I am proud to support naming the U.S. Post Office in Middletown in their honor.

LAW ENFORCEMENT OFFICERS SAFETY ACT

Mr. LEAHY. Mr. President, I am pleased to note the House passage today of the Law Enforcement Officers Safety Act, H.R. 218, by voice vote. This action has been a long time in coming. Representative RANDY ''DUKE'' CUNNINGHAM has been tirelessly working for over a decade to push this legislation and I commend him for his dedication to making our communities safer and providing better protection for our law enforcement personnel. I ask that the Senate follow suit and quickly take up and pass the House bill.

Law enforcement officers are never ''off duty.'' They are dedicated public servants trained to uphold the law and keep the peace. To enable law enforcement officers nationwide to be prepared to answer a call to duty no matter where, when or in what form it comes, I am proud to join Senator CAMPBELL—my good friend and a knowledgeable Senate leader on law enforcement issues—and 69 other cosponsors, including Judiciary Chairman HATCH, Democratic Leader DASCHLE, Assistant Democratic Leader REID, Majority Leader FRIST and Assistant Majority Leader MCCONNELL, on the Senate version of the Law Enforcement Officers Safety Act, S. 253,

which was reported out of the Senate Judiciary Committee in March 2003 by a vote of 18 to 1. Both H.R. 218 and S. 253 will permit off-duty and retired law enforcement officers to carry a firearm and be prepared to assist in dangerous situations.

These bills are strongly supported by the Fraternal Order of Police, FOP; the National Association of Police Organizations, NAPO; the Federal Law Enforcement Officers Association, FLEOA; the International Brotherhood of Police Officers, IBPO; the Law Enforcement Alliance of America; and the National Law Enforcement Council.

I was honored to work closely on this measure with the former FOP national president, Lieutenant Steve Young, whose death last year was a sad loss for us all. Steve was dedicated to this legislation because he understood the importance of having law enforcement officers across the Nation armed and prepared whenever and wherever threats to our public safety arise. I have continued my close work with the FOP and current national president, Major Chuck Canterbury, to make this legislation law.

Community policing and the outstanding work of so many law enforcement officers play a vital role in our crime control efforts. Unfortunately, during the past few years the downward trend in violent crime ended and violent crime rates have turned upward. The FBI has reported that crime rose slightly in the first half of 2002, including a 2.3 percent increase in murders. The preliminary numbers for 2002 follow an increase in crime in 2001 by 2.1 percent, compared with the year before.

There are more than 740,000 sworn law enforcement officers currently serving in the United States. Since the first recorded police death in 1792, there have been more than 17,200 law enforcement officers killed in the line of duty. Over 1,700 law enforcement officers died in the line of duty over the last decade, an average of 170 deaths per year. Roughly 5 percent of officers who die are killed while taking law enforcement action in an off-duty capacity. On average, more than 62,000 law enforcement officers are assaulted annually.

The Law Enforcement Officers Safety Act creates a mechanism by which qualified active-duty law enforcement officers would be permitted to travel interstate with a firearm, subject to certain limitations, provided that officers are carrying their official badges and photographic identification. An active-duty officer may carry a concealed firearm under this measure if he or she is authorized to engage in or supervise any violation of law; is authorized to use a firearm by the agency, meets agency standards to regularly use a firearm; and is not prohibited from carrying by Federal, State or local law. This measure would not interfere with any officer's right to carry a concealed firearm on private or government property while on duty or on official business.

Off-duty and retired officers should also be permitted to carry their firearms across State and other jurisdictional lines, at no cost to taxpayers, in order to better serve and protect our communities. H.R. 218 would permit qualified law enforcement officers and qualified retired law enforcement officers across the Nation to carry concealed firearms in most situations. It preserves any State law that restricts concealed firearms on private property and any State law that restricts the possession of a firearm on State or local government property.

To qualify for the measure's exemptions to permit a qualified off-duty law enforcement officer to carry a concealed firearm, notwithstanding the law of the State or political subdivision of the State, he or she must have authority to use a firearm by the law enforcement agency where he or she works; not be subject to any disciplinary action; satisfy every standard of the agency to regularly use a firearm; not be prohibited by Federal law from receiving a firearm; and carry a photo identification issued by the agency. The bill preserves any State law that restricts concealed firearms on private property, and any State law that restricts the possession of a firearm on State or local government property or park.

For a retired law enforcement officer to qualify for exemption from State laws prohibiting the carrying of concealed firearms, he or she must have retired in good standing; have been qualified by the agency to carry or use a firearm; have been employed at least 15 years as a law enforcement officer unless forced to retire due to a service-connected disability; have a non-forfeitable right to retirement plan benefits of the law enforcement agency; meet the same State firearms training and qualifications as an active officer; not be prohibited by Federal law from receiving a firearm; and be carrying a photo identification issued by the agency. Preserved would be any State law that permits restrictions of concealed firearms on private property, as well as any State law that restricts the possession of a firearm on State or local government property or park.

Last week, during the House Judiciary Committee markup of H.R. 218, amendments were accepted to bar officers or retired police from carrying arms in other jurisdictions if they are under the influence of alcohol or other intoxicating or hallucinatory drug or substance, and to require retired police to have proof they received arms training in the previous year before being permitted to carry concealed weapons. The bill was then reported out of committee by a vote of 23 to 9. The bill was passed overwhelmingly by the House earlier today by voice vote.

Convicted criminals often have long and exacting memories. A law enforcement officer is a target in uniform and out, active or retired, on duty or off duty. The bipartisan Law Enforcement Officers Safety Act is designed to establish national measures of uniformity and consistency to permit trained and certified on-duty, off-duty, or retired law enforcement officers to carry concealed firearms in most situations so that they may respond immediately to crimes across State and other jurisdictional lines, as well as to protect themselves and their families from vindictive criminals.

I look forward to the Senate approving this bipartisan, commonsense measure today to make our communities safer and to better protect law enforcement officers and their families.

EXEMPTION FROM TRUST REFORM REORGANIZATION

Mr. JOHNSON. Mr. President, I rise today in support of S. 2523, a bill to exempt the Great Plains Region and Rocky Mountain Region of the Bureau of Indian Affairs, BIA, from trust reform reorganization plans. I am happy to be an original cosponsor of this bill with my friend and colleague Senator TOM DASCHLE.

S. 2523 would exempt the BIA's Great Plains Region and the Rocky Mountain Region from the Department of the Interior's trust reform reorganization proposal, excluding efforts to reform Indian probate and address land consolidation, pending the submission of alternative agency-specific reorganization plans. The bill would direct that any funds appropriated to accomplish trust reform at the agency level in the Great Plains and Rocky Mountains Regions could be expended only under plans developed by local tribes in cooperation with and with the approval of the Department of the Interior. The bill authorizes $200,000 for the Great Plains Region and $200,000 for the Rocky Mountain Region to be used for the development of agency-specific reorganization plans.

The bill is an alternative to the Department of the Interior's ''To-Be'' trust reorganization plan. The BIA and the Office of Special Trustee, OSI, is in a state of ongoing reengineering of their trust management processes since the Department issued a new Department Manual in April, 2003. Since November, 2003, the Department has conducted informational meeting regarding its ''To-Be'' project, which would reengineer current fiduciary trust business process. This ''To-Be'' plan is unacceptable to our tribes. Simply, the administration's proposed changes to the way tribes receive trust services do not fit the needs of our area.

Specifically, our tribes require frequent land appraisals due to our large land base. Currently there is only one appraiser for the entire Great Plains Region. Under a proposed plan, money that would be spent hiring ''trust officers'' would be utilized by hiring appraisers at each agency on each reservation. Furthermore, as a region we

are in need of technical positions involving land management, such as surveyors, range conservationists, lease compliance officers, rights of way specialists, and accountants. In sum, the tribes request a reversal of the reorganization process and that resources be redirected as to be more effectively used at the reservation level under control of the local agent.

The concepts in S. 2523 are particularly poignant in light of serious questions that have been raised regarding failures in the OST's entire management and administrative system. As a result of these questions, I have requested a wide-ranging investigation of the OST. This investigation centers on a number of concerns tribal leaders have raised in recent years as OST has expanded its mission from one designed to oversee trust reform efforts at the Interior Department to one implementing most major fixes. Under the Bush administration, the agency's budget has dramatically increased while funds for other Indian programs are being cut or flat-lined.

In addition to questioning funding considerations, I question whether the OST is operating in a manner consistent with the 1994 Act that created it. During the Bush administration, the agency has seen unprecedented growth and has slowly taken over programs formerly managed by BIA, including cash management, appraisals, probate and accounting. Tribal leaders and some lawmakers say this expansion violates the intent of Congress in creating the office.

I am honored to represent a State that has nine treaty tribes. Federally-recognized Indian tribes in South Dakota signed the Treaty of Fort Laramie with the desire to declare peace and thereby perpetuate a nation-to-nation relationship with the Federal Government. The treaty establishing the South Dakota Tribes is a contract negotiated between sovereign nations, relating to peace and alliance formally acknowledged by the signatories of the nations. The United States entered into such agreement because they desired peace and cessions of land from the Sioux Tribes, and in return they made promises that must be upheld.

It is important to point out that my treaty tribes opt to receive their services directly from the BIA. As such, it is essential to my tribes that they have a clear understanding of what their Bureau is up to and how its actions will affect the services received by my tribes. In South Dakota, the BIA affects our Indian people every single day. Their partnership with the Federal Government is paramount to their survival as nations and is vital to the health of its people. With this premise in mind, I implore the Department to do a better job of consulting with tribes, appropriately fund BIA programs, and have an open and frequent dialogue with Congress. As a member of both the Appropriations and Indian Affairs Committee, I must be made aware of the Bureau and the Office of Special Trustee's programming plans.

S.J. RESOLUTION 37

Mr. JOHNSON. Mr. President, I rise today in support of S.J. Resolution 37, a resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all native peoples on behalf of the United States.

A formal apology is the first appropriate step in reconciling relationships with Indian tribes and native peoples. However, an apology by itself is not enough to heal the wounds inflicted by some of the devastating policies adopted by our government. To really make amends with Indian tribes and native peoples, our government needs to return to the original understanding of the Federal–tribal relationship. The foundation of the Federal–tribal relationship is rooted in our great Constitution and the Indian treaties ratified pursuant to it. When a person reads the Founder's words pertaining to the sovereignty of Indian tribes, in conjunction with the early laws and treaties ratified by our government, he or she quickly realizes that the underpinnings of the Federal–tribal relationship is based upon mutual respect, trust responsibility, and the idea that our government must obtain consent from Indian tribes and native peoples before any Federal action can be taken.

Almost every Indian treaty recognizes that Indian tribes have control over their lands and that our government could not assert authority or take lands away from tribes unless there is an articulation of tribal consent. The first treaty our government signed with an Indian Nation was the 1778 Treaty of Fort Pitt. During the American Revolutionary War, our government signed this treaty to obtain permission from the Delaware Nation to allow General Washington's army to cross through their territory. If the Delaware Nation would not have permitted this crossing, the history of our United States might have turned out drastically differently.

As history teaches, when our government swayed away from the foundation of the Federal–tribal relationship, Indian tribes and native peoples suffered. For example, in 1830, Congress narrowly passed the Removal Act to remove all Native Americans west of the Mississippi River. However, the text and legislative history of the Removal Act clearly demonstrates that removal would not occur unless there was tribal consent. Because many Cherokee did not consent to being removed, in 1838, our government forced their removal, thus resulting in the Trail of Tears tragedy.

Chairman J.C. Crawford of the Sisseton–Wahpeton Tribe wrote to remind me that in 1862 nearly 400 Dakota Indians were tried by a military court without legal representation following a conflict arising out of our government not adhering to its treaty obligations. Eventually, on December 26, 1862, 38 Dakota men were hanged. To date, this has been the largest mass execution in American history.

Our government violated the 1868 Fort Laramie Treaty. Under the Fort Laramie Treaty, our government agreed that if any land is to be taken from the Lakota Nation, three-fourths of all adult males must agree to any cession. Because our government failed to obtain Lakota consent, three prominent historical tragedies occurred, the Battle of Little Big Horn, the Wounded Knee Massacre, and the taking of the Black Hills.

Additionally, in the late 1800s, our government violated numerous treaties and embarked upon a harsh assimilationist policy that ignored the foundations of the Federal–tribal relationship. For example, in 1887 our government enacted the General Allotment Act. Under the General Allotment Act, tribal lands were broken up, thus reducing tribal lands from 138 million acres in 1887 to 48 million acres in 1934. Although our government ended the harsh policies contained in the General Allotment by enacting the 1934 Indian Reorganization Act, by the 1950s our government quickly reversed course and implemented legislation that terminated the Federal–tribal relationship with some Indian tribes. Although many Indian tribes have been successful with regaining federal recognition status, some have not been as successful.

Currently, our government is committed to tribal self-determination and empowering tribal governments. However, to make this apology complete and to demonstrate that our government is sincere in apologizing to Indian tribes and native peoples, our government needs to allocate more resources to Indian tribes and native peoples and fulfill its trust obligation found in treaties and concurrent legislation.

Our government has adopted numerous laws and policies that undermined and adversely impacted the Federal–tribal relationship. For those reasons, I strongly support the apology articulated in S.J. Resolution 37. I urge my colleagues to similarly support this resolution and reflect on the meaning of the Federal–tribal relationship.

ADDITIONAL STATEMENTS

HONORING THE ACCOMPLISHMENTS OF ALLISON HAMMER

• Mr. BUNNING. Mr. President, I pay tribute and congratulate Allison Hammer of Summer Shade, KY, on being named a distinguished finalist for the Prudential Spirit of Community Awards. This award honors young people in middle level and high school grades for outstanding volunteer service to their communities.

Allison Hammer has proven herself to be an ideal volunteer. While she is only 14 years old, she has already done more volunteer work than many people will do in their whole life. After two of her friends were killed in an All-Terrain Vehicle (ATV) accident, she took it upon herself to start a 75-person ATV safety camp for the youths of Monroe County. In this excellent effort she recruited volunteers and raised the funds to make this camp a success.

The citizens of Monroe County are fortunate to have a young woman like Allison Hammer in their community. Her example of dedication, hard work and compassion should be an inspiration to all throughout the entire Commonwealth.

She has my most sincere appreciation for this work and I look forward to her continued service to Kentucky.●

RECOGNIZING KIMBERLY JOHNSON-SMITH

● Mr. ALLEN. Mr. President, I today recognize Kimberly Johnson-Smith for her community service and leadership. For over 16 years, Mrs. Johnson–Smith has selflessly lent her time and talents on behalf of various civic groups in Arlington County.

In addition to being a member of the Arlington County Civic Federation, Kimberly Johnson-Smith has held various leadership positions in the County, including: chairperson of the Executive Committee, co-chair of the Public Safety Committee, and co-chair of the 911 Scholarship Fund, which raised over $150,000 dollars for college-bound children of Arlington County public safety personnel. Mrs. Johnson–Smith was also a member of the Arlington Citizen Corps Council where she was the Chairperson for the Public Education for Emergency Preparedness task group as well as the planner and advisor for Arlington Prepares Door-to-Door. In addition, she was a founding member, advisor and scheduler of Arlington County Community Emergency Response Team.

Mrs. Johnson-Smith also spent time at the Arlington Animal Welfare League and helped establish Puppy Parties for Arlington Dogs. She was a member and past board member of the Arlington Outdoor Education Association and also involved herself in the Sheriff's Department and Crime Prevention Council's ''SOS'' program for seniors.

Among her professional recognitions, Kimberly Johnson-Smith was the recipient of the Journal Cup for Civic Activity and the President's Award for Civic Acts.

Arlington County will surely miss the great leadership and talents that Kimberly Johnson-Smith displayed in all of her activities. I congratulate her on her community service and wish her and her family well in their move to Madison County.●

RECOGNIZING HARRY C. MASON, JR.

● Mr. ALLEN. Mr. President, I am pleased to recognize Mr. Harry C. Mason, Jr. for his community service and leadership. Mr. Mason recently ended his 8-year term serving the citizens of the Town of Orange on the Orange Town Council. During his time as a councilman, Orange saw significant improvement in its quality of life; the town saw the design of a Raw Water Storage Basin project, improvements to the town's infrastructure, design of the new Public Works facility, the launch of the town's first public transit system, and the development of the road to the new middle school.

Throughout his life, Harry Mason has been a community leader and volunteer. He is an esteemed business person of the town of Orange and is an active member of the Orange County Chamber of Commerce and Orange Rotary Club. Mr. Mason is also a strong supporter of the Orange Volunteer Fire Department and Rescue squad. In addition, he participates in and sponsors the Orange County Public School System breakfast buddies program.

The Town of Orange will surely miss the leadership and talents that Councilman Mason displayed on the town council and would like to recognize him for his commitment to Orange. I congratulate him on his community service and wish him well in the future.●

RECOGNIZING EKATERINA MIKHAILOVICH RADZHABOVA

● Mr. ALLEN. Mr. President, I wish to honor Miss Ekaterina Mikhailovich Radzhabova who graduated this month with a master's degree in business from Xavier University in Cincinnati, OH. Miss Radzhabova is a Russian immigrant who came to the United States 5 years ago, at the age of 19, to seek an education and a better way of life.

Since coming to America, Miss Radzhabova has completed both her undergraduate and graduate programs at Xavier with the highest possible honors. This is particularly impressive considering that she accomplished this while speaking her second language, English.

Miss Radzhabova has not only proven herself dedicated through her hard work at school, but also through the volunteer work that she has performed in her extra time to help inner city children develop better skills in reading and arithmetic. On the weekends, she drives outside the city to help an elderly family with chores that they can no longer do on their own. Indeed, through her hard work and service, she has clearly demonstrated the American ideal of helping those who are less fortunate. Miss Radzhabova is not only an inspiration to the youth of Russia but also to all of our young Americans.

During her graduation ceremony this month, Ekaterina Radzhabova was surrounded by many of the friends that she made while living in the United States. Unfortunately, her family was unable to attend the ceremonies. One of those family members was her father, Mikhail Radzhabova, who passed away in October 2001. It was his dream to have his family come to the United States after the fall of the Soviet Union. Although her father was not able to attend the ceremony in person, I am sure that he was there in spirit, looking proudly upon his daughter, knowing that she had helped make his dream a reality. Unfortunately, her mother and brother were denied visas to attend her graduation. But, like her father, they are undoubtedly proud of her accomplishments.

Miss Radzhabova is a talented young woman who has overcome a great deal since she came to America to pursue her dream. She has proven to be a great success in her new country by not only accomplishing part of her father's dream, but also by inspiring countless people around her with her positive attitude and determination to succeed.●

EAST BRUNSWICK HIGH SCHOOL PLACING FIRST AT THE WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION PROGRAM

● Mr. LAUTENBERG. Mr. President, today I want to recognize students from East Brunswick High School in East Brunswick, NJ who placed first at the national finals for the We the People: The Citizen and the Constitution program. The national finals of the program simulates a congressional hearing whereby students testify as constitutional experts before a panel of judges. The students from East Brunswick defeated classes from every other State.

The program is administered by the Center for Civic Education and features an intensive curriculum which provides students with a fundamental understanding of the Constitution and the Bill of Rights and the principles and values they embody. More than 26.5 million students have participated in program during the last sixteen years.

I congratulate East Brunswick High School teacher Alan Brodman, State Coordinator Arlene Gardner, and District Coordinator Cole Kleitsch. I also congratulate the students on the East Brunswick team: Kian Barry, Patrick Bell, Kathleen Cammidge, Jessica Castles, Jennifer Chen, Ryan Citron, Jenna Elson, Daniel Gartenberg, Scott Goldschmidt, David Goldstein, Kristen Hamaoui, Marc Mondry, Jason Noah, Eric Nowicki, Nicholas Parals, Greg Parnas, Jessica Rebarber, Joa Roux, Blake Segal, Jody Shaw, Andrew Silver, Jeffrey Smith, Daniel Temkin, Abraham Tran, Arln Tuerk, and Haiwei Wang.●

30TH ANNIVERSARY OF NEW JERSEY ALLIANCE FOR ACTION

• Mr. LAUTENBERG. Mr. President, I congratulate The New Jersey Alliance for Action on its 30th Anniversary. For three decades the Alliance for Action has been New Jersey's foremost advocate of investment in infrastructure to benefit my home state's economy, environment, and overall quality of life.

New Jersey is the most densely populated state in the nation and we need to continually update infrastructure to help support our growing population. Most importantly, however, is that everyone at Alliance for Action understands how important their mission is. The organization is dedicated to working with legislators of both parties to accomplish their goals.

With the population of the United States and the world increasing rapidly, it is important to have organizations such as New Jersey Alliance for Action which works to support New Jersey's residents.

I ask my colleagues to join me in congratulating the New Jersey Alliance for Action on their 30th anniversary.•

HONORING CAPTAIN CHRIS CHRISTOPHER

• Ms. LANDRIEU. Mr. President, I speak today to honor the service of CPT Chris Christopher, who is currently the deputy director for future operations, communications and business initiatives at NMCI. Captain Christopher comes to this position after nearly 20 years of distinguished service to the Navy in the fields of aviation, public affairs, and intelligence.

Captain Christopher has spent most of his life in New Orleans, and he has made a wonderful home there with his wife Patti and their two daughters. He received undergraduate and graduate degrees from the University of New Orleans, and his work with NMCI still brings him back to the UNO campus. Though he is now stationed in Virginia, his heart and family remain in New Orleans. As a Louisiana Senator, I like that.

Captain Christopher's work at NMCI has been truly outstanding. The Navy Marine Corps Intranet is a progressive project whose ultimate goal is to transform the Department of the Navy's computer networks. NMCI will revolutionize command and control efficiencies within the Navy, and between the services, to ensure that our forces are operating in unison. This will save American lives, increase combat readiness and effectiveness, and, ultimately, make us stronger. Under Captain Christopher's leadership, many of these goals have been brought closer to reality.

From June 20 to 23, Captain Christopher organized the 2004 Navy Marine Corps Intranet Symposium in New Orleans. This event was an opportunity for all parties involved in NMCI to continue their dialogue on reshaping information technology in the Navy and Marine Corps. Captain Christopher made this event happen, and according to all parties involved, it was a complete success.

I once again thank my friend, CPT Chris Christopher, for his efforts on America's behalf. Future generations of sailors and marines will no doubt reap the benefits of his labor and America will be safer as a result. I am proud of your 'Louisiana-bred' success Chris, and I wish you well in your future endeavors.•

RECOGNIZING THE CONNECTICUT FOREST AND PARK ASSOCIATION

• Mr. LIEBERMAN. Mr. President, today I wish to honor the Connecticut Forest and Park Association of Rockfall, CT, on the occasion of the 75th Anniversary of the creation of its Blue Blazed Hiking Trail System. The Connecticut Forest and Park Association is Connecticut's oldest conservation organization and Connecticut's citizens owe this organization a great debt of gratitude for all it has done to protect Connecticut's precious natural resources.

Undoubtedly, the Blue Blazed Hiking Trail System is the crowning achievement in a long list of accomplishments that the Connecticut Forest and Park Association has realized since its founding in 1895. IN 1929, Edgar L. Heermance led a group of Connecticut Forest and Park Association members in establishing the Blue Blazed Hiking Trail System. Mr. Heermance and the dedicated group of volunteers that he led had a vision of a Statewide system of hiking trails that would serve to increase opportunities for all Connecticut residents to enjoy the outdoors and develop an appreciation for the immense beauty of the natural world. The first section of the Blue Blazed Hiking Trail system opened in 1931 and by 1937 the volunteers of the Connecticut Forest and Park Association had developed over four hundred miles of trails and published the Connecticut Walk Book; the first guidebook to the Blue Blazed Hiking Trail System.

Seventy-five years after Edgar Heermance made his vision of a Statewide hiking trail system a reality, the blue Blazed Hiking Trail System has over ninety volunteer Trail Managers and hundreds of active volunteers donating over 7,000 of their time each year to this spectacular system of hiking trails. Currently, the Blue Blazed Hiking Trail System encompasses over seven hundred miles of trails in 69 Connecticut towns. In a true testament to the spirit of cooperation that led to the founding of this hiking trail network, over seventy-five percent of the land included in the Blue Blazed Hiking Trail System is privately owned and exists only through the cooperation of private landowners who are interested in promoting conservation and increasing outdoor recreational opportunities.

This dynamic organization has continually both literally and figuratively blazed a trail for other conservation organizations to follow. I have confidence that the Connecticut Forest and Park Association and the Blue Blazed Hiking Trail System will enjoy continued success for many generations to come.

Congratulations to the Connecticut Forest and Park Association on the creation of a remarkable legacy of leadership and excellence in the areas of conservation and outdoor recreation.•

RETIREMENT OF MAJOR GENERAL JOHN ''GENE'' PRENDERGAST

• Mr. BAUCUS. Mr. President, today I honor and congratulate my friend MG Prendergast.

After 46 years of loyal military service to Montana and our Nation, the top officer of the Montana National Guard will step down from his post August 1, as age prevents Major General Prendergast from serving beyond his 64th birthday.

Some call him general, some call him husband, father, son. I call this outstanding individual, my friend. I have known Gene since the early years in our hometown of Helena, MT, where we both lived and played, studied and worked. In 1958, when Dwight Eisenhouser was President, Major General Prendergast volunteered for his first of many military positions in the Montana Air National Guard while also working a civilian job at a local bank. I worked with him at the Union Bank during the summer months away from school. In 1960, he transferred into the Montana National Guard and received his commission in 1967 as an ordnance officer.

Major General Prendergast worked his way up through the ranks, and held various titles, including automotive platoon leader, instructor at the Montana Military Academy, assistant commandant and chief of staff of the Montana National Guard. He graduated from the Regents College of the State University of New York in 1993.

For his outstanding service and many years of commitment to our Nation, Major General Prendergast has been awarded the Meritorious Service Medal with two oak leaf clusters, Army Commendation Medal, Armed Forces Reserve Medal, and the Army Reserve Components Overseas Training Ribbon, among other medals.

Major General Prendergast is known among his colleagues, his friends, and all Montanans for his commitment to the American Nation. In his own words, ''There is no higher calling than serving your country in uniform. What it's all about is the soldier in uniform.''

Today I honor both the soldier and the man. I have been so fortunate to have this man as my friend over many years. In fact, my good friend shares with me a love for long-distance running, and I have enjoyed running many

miles with the general under Montana's big sky. We run and talk, laugh and share family stories.

As I reflect on the years I have been fortunate to know MG Gene Prendergast, I am reminded of the plaque which hangs in his office that his wife, Kathy, had made for him, the long-distance runner:

''The race is not always to the swift, but those who keep on running.'' Around the world in 22 years—running 25,000 miles—June 1978–August 2000.

For my friend, MG Gene Prendergast, the race has only just begun. You are a soldier's soldier. I salute you for your outstanding service to our State and to this Nation.●

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4613. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4226. An act to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty''.

H.R. 4372. An act to amend the Internal Revenue Code of 1986 to provide for the carryforward of $500 of unused benefits in cafeteria plans and flexible spending arrangements for dependent care assistance.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 13. Concurrent resolution recognizing the importance of blues music, and for other purposes.

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

H. Con. Res. 449. Concurrent resolution honoring the life and accomplishments of Ray Charles, recognizing his contributions to the Nation, and extending condolences to his family on his death.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 1848. An act to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administration Site in the State of Oregon.

S. 2238. An act to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

H.R. 3378. An act to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

H.R. 3504. An act to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

H.R. 4322. An act to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 5:07 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 the concurrence of the Senate:

H.R. 4635. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

ENROLLED BILL SIGNED

At 6:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4589. An act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4226. An act to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty''; to the Committee on Commerce, Science, and Transportation.

H.R. 4372. An act to amend the Internal Revenue Code of 1986 to provide for the carryforward of $500 of unused benefits in cafeteria plans and flexible spending arrangements for dependent care assistance; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 13. Concurrent resolution recognizing the importance of blues music, and for other purposes; to the Committee on the Judiciary.

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4613. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 449. Concurrent resolution honoring the life and accomplishments of Ray Charles, recognizing his contributions to the Nation, and extending condolences to his family on his death.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 23, 2004, she had presented to the President of the United States the following enrolled bills:

S. 1848. An act to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administration Site in the State of Oregon.

S. 2238. An act to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

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–8092. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Administration's Report to Congress on Minority Small Business and Capital Ownership Development for fiscal year 2003; to the Committee on Small Business and Entrepreneurship.

EC–8093. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the Commission's 2003 Annual Report; to the Committee on Rules and Administration.

EC–8094. A communication from the Chairman, Election Assistance Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2003 Annual Report; to the Committee on Rules and Administration.

EC–8095. A communication from the Vice Chair, Federal Election Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2005 Budget Request; to the Committee on Rules and Administration.

EC–8096. A communication from the Director, Office of Regulation Policy and Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''Change of Effective Date of Rule Adding a Disease Associate With Exposure to Certain Herbicide Agents: Type 2 Diabetes'' (RIN2900–AL93) received on June 22, 2004; to the Committee on Veterans' Affairs.

EC–8097. A communication from the Director, Office of Regulation Policy and Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''Sensori-Neural Aids'' (RIN2900–AL60) received on June 22, 2004; to the Committee on Veterans' Affairs.

EC–8098. A communication from the Director, Office of Regulation Policy and Management, Veterans Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''VA Homeless Providers Grant and Per Diem Program; Religious Organizations'' (RIN2900–AL63) received on June 22, 2004; to the Committee on Veterans' Affairs.

EC–8099. A communication from the Director, Office of Regulation Policy and Management, Board of Veterans' Appeals, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans' Appeals: Rules of Practice—Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error: Advancement on the Docket'' (RIN2900–AJ85) received on June 22, 2004; to the Committee on Veterans' Affairs.

EC–8100. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled the ''Veterans Programs Improvement Act of 2004''; to the Committee on Veterans' Affairs.

EC–8101. A communication from the President, John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, a report relative to the Center's competitive sourcing competitions in fiscal year 2003; to the Committee on Rules and Administration.

EC–8102. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the Department of Veterans' Affairs' Report on its competitive sourcing efforts for Fiscal Year 2003; to the Committee on Veterans' Affairs.

EC–8103. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the Capital Asset Realignment for Enhanced Services (CARES) Decision for the Department of Veterans' Affairs; to the Committee on Veterans' Affairs.

EC–8104. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: NARCO Avionics Inc. AT150 Transponders; Doc. No. 2002–NE–32'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8105. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eagle Aircraft Malaysta Sdn. Bhd Model Eagle 150B Airplanes; Doc. No. 2004–CE–14'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8106. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Defense and Space Group Model 234 Helicopters Doc. No. 2004–SW–09'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8107. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Agusta S.p.A Model A109E Helicopters Doc. No. 2003–SW–32'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8108. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 and 400F Airplanes Equipped With Rolls Royce Engines Doc. No. 2003–NM–202'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8109. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model BAe.125 Series (Including C–29A and U–125 and 800 B Airplanes and Model Hawker 800 (Including U–125 A Variant), and 800 XP Airplanes Doc. No. 2003–NM–216'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8110. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems (Operations) Limited Model BAe 146 Airplanes Doc. No. 2003–NM–17'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8111. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB SF340A and SAAB 340B Series Airplanes Doc. No. 2003–NM–18'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8112. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Alexander Schleicher GmbH & Co. Segelflugzeubau Model ASH 25 M Sailplanes Doc. No. 2003–CE–64'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8113. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: GARMIN International Inc. GTX Model S Transponders and GTX 330D Diversity Mode S Transponders Doc. No. 2003–CE–39'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8114. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Airplanes Equipped With Certain Honeywell Start Converter Units Doc. No. 2001–NM–291'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8115. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–10–30 Airplanes Doc. No. 2002–NM–237'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8116. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Airplanes Doc. No. 2002–NM–343'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8117. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Oshkosh, NE Doc. No. 04–ACE–27'' (RIN2120–AA66) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8118. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Mosby, MO Doc. No. 04–ACE–33'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8119. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 Airplanes Doc. No. 2003–NM–50'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8120. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 and 11F Airplanes Doc. No. 2003–NM–75'' (RIN2120–AA64) received on June 22 , 2004; to the Committee on Commerce, Science, and Transportation .

EC–8121. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–100 Airplanes Doc. No. 2003–NM–56'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8122. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC 130 B4 and AS 350 B3 Helicopters Doc. No. 2003–SW–29'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8123. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–600 2B19 (Regional Jet Series 100 and 400) Airplanes Doc. No. 2001–NM–321'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8124. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lycoming Engines (formerly Textron) Direct-Drive Reciprocating Engines Doc. No. 89–ANE–10'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8125. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–215–b11 (CL215T Variant) Airplanes Doc. No. 2003–NM–199''

(RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8126. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Glasfugel—Ing. E. Hanie Model GLASFUGEL Kestrel Sailplanes Doc. No. 2003–CE–60'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8127. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–600–1–A11 (CL–600) , CL–600–2–A12 (CL–601) and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Airplanes Doc. No. 2003–NM–175'' (RIN2120–AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

POM–452. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the establishment of the Coastal Forest Reserve Program; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 75

Whereas, Louisiana's coastal land loss problem is well known within the state and is gaining recognition across the country as one of the nation's most pressing conservation issues; and

Whereas, of recent concern in the state is the conservation and management of privately-owned coastal forests due to their importance in stabilizing soils and providing structural barriers against coastal erosion, in addition to their particular importance to neotropical migratory song birds and colonial wading birds; and

Whereas, the United States Congress has responded to the need to conserve and restore wildlife habitat throughout the nation by authorizing and funding numerous conservation incentive programs such as the Conservation and Wetlands Reserve Programs (CRP/WRP); and

Whereas, Conservation and Wetlands Reserve Programs are authorized to apply to agricultural lands and therefore are not available to provide incentives to coastal forest owners to preserve their forests or manage them sustainably; and

Whereas, considering the dramatic loss of coastal forests to saltwater intrusion and the importance of coastal forests, and individual trees, to the structural integrity of Louisiana's coastal wetlands, now popularized as ''America's WETLAND,'' it is ironic that an incentive program is not available to secure the conservation of this critical resource: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to authorize and fund the establishment of a Coastal Forest Reserve Program to provide incentives to coastal forest owners to preserve and sustainably manage their coastal forests as part of the state and national initiative to restore the Mississippi River coastal delta and chenier plain of southwest Louisiana; be it further

Resolved, That the Legislature of Louisiana urges and requests the United States Department of Agriculture Forest Service, the Louisiana Department of Agriculture and Forestry, and the Louisiana State University School of Renewable Natural Resources, with assistance from the University of Louisiana at Lafayette and other Louisiana universities, to provide an inventory of coastal forests and assess their functional values for the purposes of establishing eligibility and priority ranking for enrollment in a Coastal Forest Reserve Program; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the chief of the United States Department of Agriculture Forest Service, the commissioner of the Louisiana Department of Agriculture and Forestry, the director of the Louisiana State University School of Renewable Natural Resources, and the president of the University of Louisiana at Lafayette.

POM–453. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to the Marine Corps Training Area in Waikane Valley, Hawaii; to the Committee on Armed Services.

Whereas, Waikane Valley contains undeveloped land in the ahupuaa of Waikane on Oahu's windward side; and

Whereas, 33 years ago, the United States Marine Corps obtained 187 acres in Waikane Valley, commonly referred to as the ''Waikane Training Area,'' for military jungle and live ordnance training; and

Whereas, the United States Marine Corps has announced its intention to close the Waikane Training Area, but as recently as last year, the United States Marine Corps has sought to use Waikane Valley for more military jungle training; and

Whereas, ironically, Waikane Valley was abandoned as a training site by the United States Marine Corps because of safety concerns over the use of high explosive antitank and bazooka rounds used in the past and the insufficient data to determine the exact number of ammunition rounds fired in the valley; and

Whereas, the United States Marine Corps originally obtained the right to use the Waikane Training Area by a lease from the McCandless Estate and Waiahole Water Company in 1953 and subsequently by a lease from the same parties and the heirs of John Kamaka; and

Whereas, the Kamaka heirs acquired title to the Waikane Training Area by quitclaim deed in June of 1972 and terminated the lease with the United States Marine Corps in 1976; and

Whereas, between 1976 and 1993, the United States Marine Corps conducted several investigations and ordnance removal efforts on the property and concluded that the Waikane Training Area could never be certified as being clear of ordnance; and

Whereas, the United States Navy and Marine Corps acquired title to the Waikane Training Area in 1993 by condemnation as a means to address the problem of not being able to fulfill their lease obligations to return the property to the Kamaka heirs in an ordnance-free and safe condition; and

Whereas, land in Hawaii, and particularly agricultural and conservation land, is Hawaii's most precious and limited resource; and

Whereas, Waikane Valley has served historically as important agricultural area for the island of Oahu and contains precious archaeological and historic sites; and

Whereas, regardless of the 1993 condemnation, members of the Waikane community believe that the United States Marine Corps should live up to their commitment of cleaning up the land, and they have expressed their desire to have the Waikane Training Area restored to a condition that will permit them to return to the aina and engage in farming and other agricultural activities that would be appropriate based on the condition of the remediated property; and

Whereas, the federal government and military have previously demonstrated their will and capacity to honor their obligations to remediate and restore other equally or more severely contaminated installations upon closure under the Formerly Used Defense Site Program, Defense Environmental Restoration Program, Installation Restoration Program, other Department of Defense initiatives and programs, and with special appropriations from Congress; and

Whereas, the current official position of United States Department of Defense is that no ordnance-contaminated site can ever be certified as being clear of unexploded ordnance; and

Whereas, based on the inability to certify the Waikane Training Area as being clear of unexploded ordnance, the United States Navy and Marine Corps are considering permanent closure of the property to the general public by erecting a security fence around the area; and

Whereas, the permanent closure of the Waikane Training Area would be a devastating loss of precious agricultural, historical, cultural, and natural resources to Hawaii; and

Whereas, with sufficient funding from existing restoration programs or special appropriations from Congress, or both, the United States Navy and Marine Corps have the means to clean-up the Waikane Training Area to a condition that is reasonably safe for certain restricted uses, provided long-term monitoring and guidelines are established: Now, therefore, be it

Resolved by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, That the federal government is requested to conduct a thorough evaluation of the condition of the Waikane Training Area, particularly with regard to environmental and ordnance-related hazards that exist on the property; and be it further

Resolved, That the federal government is requested to plan for and conduct as thorough a clean-up of the Waikane Training Area as is technologically possible, including the remediation or removal of all environmental hazards and contamination and removal of all practice and live ordnance; and be it further

Resolved, That the federal government is requested to conduct a post-clean-up environmental assessment of the Waikane Training Area evaluating the potential risks to human health and safety, for the purpose of determining the types of uses and activities that could appropriately be conducted on the property with minimal risk to potential users and the community at large; and be it further

Resolved, That the federal government is requested to return the Waikane Training Area to the State of Hawaii upon completion of the clean-up; and be it further

Resolved, that the federal government is requested to appropriate sufficient funds to plan for, implement, and complete the rehabilitation and transfer of the Waikane Training Area; and be it further

Resolved, That the members of Hawaii's congressional delegation are requested to assist in seeking and obtaining the relief sought above; and be it further

Resolved, That certified copies of this Resolution be transmitted to President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, the Commandant of the Marine Corps, and the Secretary of the Navy.

POM–454. A joint resolution adopted by the General Assembly of the State of Tennessee relative to United States government uniforms and equipment; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 64

Whereas, it is with great pride and honor that the hardworking employees of American factories craft the uniforms and equipment that clothe and protect the members of the United States government; and

Whereas, to take that privilege away from those Americans who ceaselessly toil to fulfill their patriotic duty to the men and women who serve our fine country is a grievous insult to the American people; and

Whereas, on October 28, 2002, Fechheimer Brothers Manufacturing Company in Martin learned that one of its largest accounts, the United States Postal Service, had certified a new supplier of postal uniforms, San Francisco Knitting Mills—one that cuts costs by manufacturing the product outside the United States; and

Whereas, according to a memo from Fechheimer President and CEO, Brad Kinstler, San Francisco Knitting Mills is ''the first manufacturer to venture outside of the U.S. to make products for the postal market,'' an action which may result in setting a dangerous precedent; and

Whereas, the Fechheimer-Martin plant, formerly Martin Manufacturing Company, is one of four plants owned by the Fechheimer Corporation of Cincinnati; and

Whereas, three of the plants: Martin, Tennessee; Jefferson, Pennsylvania; and Grantsville, Maryland; manufacture uniform shirts. The corporation's plant in Hodgenville, Kentucky manufactures uniform trousers; and

Whereas, twenty percent of the Fechheimer Brothers Manufacturing Company's annual production consists of the postal service's purchases; the loss of the contract with the postal service could result in massive layoffs at the plant, possibly up to twenty percent of the company's 200 workers, which would then put a crimp in the local economy; and

Whereas, plant manager Marc Lemacks describes Fechheimer Brothers Manufacturing Company as the ''Cadillac of the industry,'' a corporation that consistently provides its clients and customers with quality products and service; and

Whereas, Mr. Lemacks is aware of no complaints from the United States Postal Service in regards to the uniforms produced by his company; instead, he fears the postal service's decision to change suppliers is based on an attempt to secure a lower price with an offshore company; and

Whereas, not only will transferring production of postal service uniforms to another country rob the American people of their jobs and livelihoods, but it will result in a decrease in revenue to the American government through the loss of taxes paid by American workers; and

Whereas, it is crucial that the production of uniforms and equipment for United States government workers remain in American factories, for the producing and wearing of American-made products strengthens the morale of both government and civil service workers, boosts the country's economy, and manifests the pride of the American government toward its citizens: Now, therefore, be it

Resolved by the senate of the one hundred third General Assembly of the State of Tennessee, the House of Representatives concurring, That we respectfully urge the Congress of the United States to resolve this important issue and require that government uniforms and equipment be manufactured in the United States, thus saving the jobs of myriad Americans and strengthening the national economy; be it further

Resolved, That appropriate copies of this resolution be transmitted forthwith to the President of the United States, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and to each member of the Tennessee Congressional Delegation.

POM–455. A resolution adopted by the Council of the city of Parma of the State of Ohio relative to funding for the Department of Housing and Urban Development's 2005 Budget; to the Committee on Banking, Housing, and Urban Affairs.

POM–456. A resolution adopted by the Senate of the General Assembly of the State of Iowa relative to funds for the National Park Service for Loess Hills in Iowa; to the Committee on Energy and Natural Resources.

Whereas, the Loess Hills in Iowa are a unique natural resource that are recognized worldwide for their unique landscape and geological value; and

Whereas, the Loess Hills are also recognized for their unique cultural and archaeological resources; and

Whereas, the National Park Service and a team of Iowa specialists, completed a Special Resource Study and Environmental Assessment of the Loess Hills in 2002; and

Whereas, the Special Resources Study provided national recognition that the Loess Hills in western Iowa with their extensive prairie ecosystems are of ''exceptional value''; and

Whereas, the Special Resource Study catalogued a series of threats to the integrity of the Loess Hills including erosion, displacement of prairie, unplanned growth, and degradation of archaeological resources; and

Whereas, a comprehensive plan would complement and assist in synthesizing the efforts of a broad range of state, private, and federal programs; and

Whereas, the need for assistance is most acute in the twelve special landscape areas that have been identified in the Loess Hills; and

Whereas, federal assistance is needed to aid state and local governments and private landowners in the Loess Hills in their efforts to preserve these last native prairies of Iowa and this scenic landform; and

Whereas, the State of Iowa and the nation are celebrating the visit of the Lewis and Clark Corps of Discovery to this treasured Iowa landform 200 years ago. Now therefore, be it

Resolved by the senate, That the Iowa Senate urges Congress to immediately act to authorize and appropriate funding to the National Park Service so that the National Park Service can participate with the Loess Hills Development and Conservation Authority and with representatives of the Iowa Department of Agriculture and Land Stewardship, the Iowa Department of Natural Resources, the Iowa Department of Transportation, educational institutions, nongovernmental organizations, and private landowners in the development of a comprehensive plan to ensure the long-term protection of the Loess Hills in Iowa; and be it further

Resolved, That the Secretary of the Senate send copies of this Resolution to the President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; and to members of Iowa's congressional delegation.

POM–457. A resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the proposed federal funding cuts to maintenance and operation of locks and dams along the Ouachita and Black River navigational system; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 39

Whereas, four locks and dams along the Ouachita and Black River navigational system maintain a nine-foot channel for approximately three hundred thirty-six miles in Louisiana and Arkansas, which is a remarkably efficient use of resources; and

Whereas, the Congress of the United States is considering a funding cut of eight million dollars per year, which would eliminate funding for the maintenance and operation of this system of locks and dams; and

Whereas, this federal funding cut has been proposed based solely on ton-miles analysis and has not been evaluated through public hearings; and

Whereas, numerous industries are dependent on the maintenance of these locks and dams, including a number of cities and industries which process the water for drinking purposes and industrial purposes; and

Whereas, such cities and industries would be dramatically affected by the lowering of the water levels in the Ouachita and Black River navigational system; and

Whereas, additionally, the Sparta Acquifier located in north Louisiana and south Arkansas is currently in crises and would be further harmed by a reduction in recharge from this river water; and

Whereas, in contrast to other federal procedures when deactivating facilities, no economic impact study has be conducted by the federal government prior to proposing these funding cuts, and it is unclear whether the United States Army Corps of Engineers can legally close these locks, thereby dramatically reducing the navigability of the Ouachita and Black Rivers: Therefore, be it

Resolved, That the House of Representatives of the Louisiana Legislature does hereby memorialize the United States Congress to oppose the proposed funding cuts to locks and dams along the Ouachita and Black River navigational system until such time as a proper economic impact study can be conducted by appropriate federal and state authorities and until a determination can be made regarding the legality of closing such locks; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–458. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the proposed federal funding cuts to maintenance and operation of locks and dams along the Ouachita and Black River navigational system; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 65

Whereas, four locks and dams along the Ouachita and Black River navigational system maintain a nine-foot channel for approximately three hundred thirty-six miles in Louisiana and Arkansas, which is a remarkably efficient use of resources; and

Whereas, the Congress of the United States is considering a funding cut of eight million dollars per year, which would eliminate funding for the maintenance and operation of this system of locks and dams; and

Whereas, this federal funding cut has been proposed based solely on ton-miles analysis and has not been evaluated through public hearings; and

Whereas, numerous industries are dependent on the maintenance of these locks and

dams, including a number of cities and industries which process the water for drinking purposes and industrial purposes; and

Whereas, such cities and industries would be dramatically affected by the lowering of the water levels in the Ouachita and Black River navigational system; and

Whereas, additionally, the Sparta Acquifier located in north Louisiana and south Arkansas is currently in crises and would be further harmed by a reduction in recharge from this river water; and

Whereas, in contrast to other federal procedures when deactivating facilities, no economic impact study has been conducted by the federal government prior to proposing these funding cuts, and it is unclear whether the United States Army Corps of Engineers can legally close these locks, thereby dramatically reducing the navigability of the Ouachiata and Black Rivers: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize the United States Congress to oppose the proposed funding cuts to locks and dams along the Ouachita and Black River navigational system until such time as a proper economic impact study can be conducted by appropriate federal and state authorities and until a determination can be made regarding the legality of closing such locks; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United Sates of America and to each member of the Louisiana congressional delegation.

POM–459. A concurrent resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the Clean Water State Resolving Program; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 98

Whereas, the Congress of the United States established the Clean Water State Revolving Fund to lend money to communities to help pay for urgently needed wastewater infrastructure projects; and

Whereas, the Clean Water State Revolving Fund has been one of the most effective and practical ways to address the United States' rapidly deteriorating water infrastructure system; and

Whereas, in 1994, when authorization for the Clean Water State Revolving Fund expired, the Congress continued to approve money to capitalize the Clean Water State Revolving Fund without authorization; and

Whereas, the United States Environmental Protection Agency's 200 Clean Watersheds Needs Survey Report to Congress documented five-year capital investment need for publicly owned wastewater treatment facilities that are eligible for funding under the Environmental Protection Agency's Clean Water State Revolving Loan Fund Program and found national needs of more than $181 billion; and

Whereas, that same study found the total needs across Pennsylvania to be in excess of $8 billion, including $1 billion for treatment facilities, $1.6 billion for new collector and interceptor sewers and more than $4 billion for the combined sewer overflow problem; and

Whereas, a 1999 Environmental Protection Agency Needs Gaps Study found that sanitary sewer overflow needs in the 1996 study were grossly underestimated, bringing the total national wastewater infrastructure needs to more than $200 billion; and

Whereas, independent studies indicate that when 20-year replacement costs are added, the total wastewater infrastructure needs will exceed $300 billion; and

Whereas, the performance of the Clean Water State Revolving Fund has leveraged more than $21.2 billion in capitalization grants into more than $38.7 billion in water infrastructure projects; and

Whereas, up to 55,000 new jobs are created for every $1 billion expended on water infrastructure; and

Whereas, the gap between funding and needs continues to grow despite the significant amounts contributed to the Clean Water State Revolving Fund in capitalization grants; and

Whereas, while the investor-owned utilities have had access to the Drinking Water State Revolving Fund (DW–SRF) since its inception, they have not had access to the Clean Water State Revolving Fund; and

Whereas, the benefits of investor-owned utility access would flow back to their customers, who are also taxpayers contributing to the State revolving funds; and

Whereas, investor-owned utilities could use the Clean Water State Revolving Fund to assist states with failing systems, compliance problems or underserved areas, while creating jobs and paying more taxes; Therefore be it

*Resolved (the house of representatives concurring),*That the General Assembly of the Commonwealth of Pennsylvania acknowledge the key role of the Clean Water State Revolving Fund Program in enhancing public health and safety, protecting the environment and maintaining a strong economic base by increasing labor productivity, creating jobs, rehabilitating old neighborhoods and ensuring the availability of recreational use of our waterways and shorelines; and be it further

Resolved, That the General Assembly of the Commonwealth of Pennsylvania recognize the Clean Water State Revolving Fund Program as the most pragmatic and effective program that provides states vital financial resources to address their wastewater infrastructure needs; and be it further

Resolved, That the General Assembly of the Commonwealth of Pennsylvania encourage all communities in the Commonwealth of Pennsylvania to participate in this important program; and be it further

Resolved, That the General Assembly of the Commonwealth of Pennsylvania urge the Congress of the United States to expand eligibility to the Clean Water State Revolving Fund so the customers of investor-owned utilities can share in the benefits of the Clean Water State Revolving Fund; and be it further

Resolved, That the General Assembly of the Commonwealth of Pennsylvania urge the Congress of the United States to increase the annual Federal capitalization grant to the Clean Water State Revolving Fund to better address the tremendous needs across the United States and the Commonwealth of Pennsylvania; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–460. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to repealing the changes made to the Clean Air Act in 2002; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 191

Whereas, according to the Clean Air Act, toxic substances such as mercury must be controlled by the ''maximum achievable control technology'' standard; and

Whereas, two years ago, the Environmental Protection Agency estimated that under a maximum achievable control technology standard, power plants using existing technologies could reduce ninety per cent of mercury emissions from power plants, bringing mercury emissions down from forty-eight tons to roughly five tons per year by 2008; and

Whereas, under changes made by the Bush administration in 2002, there is allowed a significant delay for cleaning up power plant mercury emissions and a standard that is far weaker than the maximum achievable control technology standard and is not protective of public health; and

Whereas, in effect, these changes would treat power plants' mercury emissions as non-hazardous air pollution and allow power plants to emit six to seven times more mercury into the nation's air, and for a decade longer, than the Clean Air Act requires; and

Whereas, additionally, changes made by the Bush administration allow some plants to avoid reducing mercury emissions altogether by purchasing pollution credits from other cleaner plants, which increases the chances that toxic ''hotspots'' could develop in communities where deposition is more prevalent: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, That the United States Congress is requested to repeal the changes made by the Bush administration to the Clean Air in 2002; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

POM–461. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to a wagering tax in gross receipts at Native American Casinos; to the Committee on Finance.

HOUSE RESOLUTION NO. 257

Whereas, fairness in taxation is a key to effective public policy and to fostering the faith and trust that are vital to the strength of our system of self-government. Inconsistency in the application of laws, including those assessing taxes, is frustrating to individual citizens, business enterprises of all types and sizes, and local and state governments; and

Whereas, an area of business activity where laws and taxes are applied inconsistently is gaming. The sovereignty of Native American tribes has resulted in a host of different arrangements, even among tribal facilities. There is even greater disparity between the operations of non-Native American gaming facilities and Native American casinos; and

Whereas, while the states, including Michigan, have a very limited capacity to rectify the differences in the treatment of non-Native American and Native American gaming operations, including taxation, the federal government could bring a needed measure of fairness to this situation: Now, therefore, be it

Resolved by the house of representatives, That we memorialize the Congress of the United States to implement a 36 percent federal wagering tax on gross receipts at Native American casinos and to redistribute the revenues to the states of origin; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–462. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to a center for the advancement of global health, welfare, education, and peace by and for children, youth, and families; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 153

Whereas, the Millennium Young People's Congress held in Hawaii in October 1999, demonstrated the value of a collective global vision by and for the children of the world as well as the need for a forum for international discussion of issues facing all children and youth; and

Whereas, the World Youth Congress and representatives from the Kingdom of Morocco met in Hawaii in March 2003, demonstrating the collaboration that a Center for the Advancement of Global Health, Welfare, Education, and Peace By and For Children, Youth, and Families can promote; and

Whereas, world peace is a major collaborative goal, and youth are key to attaining world peace, sustainability, and productivity for future generations; and

Whereas, the health, welfare, and education of children and families are part of the basic foundation of values shared globally that should be provided for all children; and

Whereas, the populations of countries in Asia and the Pacific Rim are the largest and fastest-growing segments of the world's population, with young people representing the largest percentage of those populations; and

Whereas, Hawaii's location at the center of the Pacific Rim between Asia and the Americans, its diverse culture, and its many shared languages provide an excellent strategic forum for shared languages provide an excellent strategic forum for meetings and exchanges, as demonstrated by the Millennium Young People's Congress, to:

(1) Discuss issues and solutions for health, welfare, peace, and the rights of children as a basic foundation for all children and youth; and

(2) Research pertinent issues and alternatives concerning children and youth and propose viable models for societal application and promotion of international peace and conflict resolution; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the Senate concurring, That the United Nations (UN) is respectfully requested to consider establishing in Hawaii a Center for the Advancement of Global Health, Welfare, Education, and Peace By and For Children, Youth, and Families (Center); and be it further

Resolved, That the President of the United States and members of the United States Congress are urged to support the establishment of such a Center; and be it further

Resolved, That the Matsunaga Peace Institute, the United Nations Association in Hawaii, the House Committee on International Affairs, and the Keiki Caucus of the Hawaii State Legislature are requested to convene an exploratory task force to develop such a proposal for consideration by the UN; and be it further

Resolved, That assistance be sought from foundations and other nongovernmental organizations who might assist in funding the Center; and be it further

Resolved, That the World Youth Congress, which will be holding its third meeting in Glasgow, Scotland, in August 2005, is urged to establish a Center dedicated to UN Secretary General Kofi Annan; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the Secretary General of the UN, Focal Point on Youth of the UN Office of the Secretary General, Senior Policy Advisor for the UN Children's Fund, President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, United States Representative to the UN, President of the University of Hawaii, President of the East-West Center, Superintendent of Education, Executive Director of the Hawaii Association of Independent Schools, President of the United Nations Association in Hawaii, Director of the Matsunaga Peace Institute, Program Director of the American Friends Service Committee—Hawaii, President of the Hawaii State Senate, and the Speaker of the Hawaii State House of Representatives.

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. JOHNSON:

S. 2561. A bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs.

By Mr. BAUCUS:

S. 2562. A bill to amend title XVIII of the Social Security Act to provide incentives for the furnishing of quality care under Medicare Advantage plans and by end stage renal disease providers and facilities, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. HATCH):

S. 2563. A bill to require imported explosives to be marked in the same manner as domestically manufactured explosives; to the Committee on the Judiciary.

By Mrs. HUTCHISON:

S. 2564. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAPO (for himself, Mr. FITZGERALD, Mr. LUGAR, Mr. SMITH, Mr. WYDEN, Mr. CRAIG, and Mr. ROBERTS):

S. 2565. A bill to amend the Agriculture Adjustment Act to convert the dairy forward pricing program into a permanent program of the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, Mr. CORZINE, Mr. LAUTENBERG, Ms. STABENOW, Mrs. CLINTON, Mr. JOHNSON, Ms. MIKULSKI, Mr. DURBIN, and Mr. DAYTON):

S. 2566. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2567. A bill to adjust the boundary of Redwood National Park in the State of California; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 2568. A bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE:

S. 2569. A bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 2570. A bill entitled ''The Health Care Assurance Act of 2004''; to the Committee on Finance.

By Mr. ENZI:

S. 2571. A bill to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Indian Affairs with instructions that if the Committee reports, the bill be referred pursuant to the order of May 27, 1988, to the Committee on Banking, Housing, and Urban Affairs for a period not to exceed 60 days.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. JOHNSON, Mr. BUNNING, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, Mr. BURNS, and Mrs. LINCOLN):

S. Res. 389. A resolution expressing the sense of the Senate with respect to prostate cancer information; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. DASCHLE):

S. Res. 390. A resolution designating September 9, 2004, as ''National Fetal Alcohol Spectrum Disorders Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1890

At the request of Mr. ENZI, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 1900

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

S. 1945

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S . 1945, a bill to amend the Public Health Service Act and the Employee Retirement Income Security

Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 2141

At the request of Mr. LUGAR, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2141, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on soybean base acres.

S. 2302

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2434

At the request of Mr. HATCH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2434, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, D.C., and for other purposes.

S. 2502

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2502, a bill to allow seniors to file their Federal income tax on a new Form 1040S.

S. 2522

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2522, a bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

S. 2533

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2533, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. RES. 311

At the request of Mr. KOHL, his name was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 357

At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 357, a resolution designating the week of August 8 through August 14, 2004, as ''National Health Center Week''.

S. RES. 370

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 370, a resolution designating September 7, 2004, as ''National Attention Deficit Disorder Awareness Day''.

S. RES. 387

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

AMENDMENT NO. 3302

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 3302 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3303

At the request of Mr. CORZINE, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. NELSON), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 3303 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3315

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 3315 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 3315 proposed to S. 2400, supra.

AMENDMENT NO. 3353

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 3353 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3371

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 3371 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3377

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 3377 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3409

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 3409 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3459

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 3459 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3468

At the request of Mr. DASCHLE, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New York (Mrs. CLINTON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Washington (Ms. CANTWELL), the Senator from New Jersey (Mr. CORZINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3468 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON:

S. 2561. A bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs.

Mr. JOHNSON. Mr. President, I rise today to introduce a very important piece of legislation, the Montgomery GI Bill Enhancement Act. This bill will allow a one year open enrollment period for thousands of career military personal who are not allowed to sign up for education benefits under the Montgomery GI Bill (MGIB).

In 1976 Congress created the Veterans' Educational Assistance Program (VEAP) as a recruitment and retention tool for the post-Vietnam era. However, Congress greatly expanded education benefits in 1984 and allowed individuals with VEAP accounts to transfer their benefits to the new MGIB in 1996. The opportunity to convert to MGIB was important because the benefits available were much greater than those under VEAP.

However, those individuals who were on active duty before 1985 and did not participate in VEAP were not eligible to sign-up for MGIB, leaving a gap in available coverage for certain career military personnel. Congress has voted several times in the last decade to allow VEAP participants opportunities to transfer to MGIB, but there has never been an opportunity for those who did not have VEAP accounts to sign up for the new program, excluding them from taking advantage of MGIB educational benefits.

My bill would correct this inequity and allow individuals falling into this gap to attain MGIB benefits. Organizations such as the Non-Commissioned Officers Association, the Association of the United States Army, and the Military Coalition have come out in strong support for this legislation.

I believe that we must do more to honor our Nation's commitments to our military personnel. As the father of a soldier in the Army, I fully appreciate what a poor ''quality of life'' can do to the morale of military families. We have a long way to go, but I will continue to work with my colleagues to make sure our country's military personnel receive the benefits they deserve.

Today, there are fewer than 74,000 VEAP ''decliners'' on active duty. These men and women have dedicated their lives to a career of service to the Nation, and many are deployed in harms way leading our troops in Iraq and Afghanistan.

For these servicemen and women—many of whom are reaching retirement eligibility—time is running out. Therefore, before it is too late, I encourage my Senate colleagues to support the Montgomery GI Bill Enhancement Act and provide our servicemen and women with the benefits they deserve.

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. 2561

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 ''Montgomery GI Bill Enhancement Act of 2004''.

SEC. 2. OPPORTUNITY FOR CERTAIN ACTIVE-DUTY PERSONNEL TO ENROLL UNDER THE MONTGOMERY GI BILL.

(a) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

''§ 3018D. Opportunity for certain active-duty personnel to enroll

''(a)(1) Notwithstanding any other provision of this chapter, during the one-year period beginning on the date of the enactment of this section, a qualified individual (described in subsection (b)) may make an irrevocable election under this section to become entitled to basic educational assistance under this chapter.

''(2) The Secretary of each military department shall provide for procedures for a qualified individual to make an irrevocable election under this section in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Homeland Security shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

''(b) A qualified individual referred to in subsection (a) is an individual who meets each of the following requirements:

''(1) The individual first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces before July 1, 1985.

''(2) The individual has served on active duty without a break in service since the date the individual first became such a member or first entered on active duty as such a member and continues to serve on active duty for some or all of the one-year period referred to in subsection (a).

''(3) The individual, before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed (or otherwise received academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree.

''(4) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.

''(c)(1) Subject to the succeeding provisions of this subsection, with respect to a qualified individual who makes an election under this section to become entitled to basic educational assistance under this chapter—

''(A) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is $2,700; and

''(B) to the extent that basic pay is not so reduced before the qualified individual's discharge or release from active duty as specified in subsection (b)(4), at the election of the qualified individual—

''(i) the Secretary concerned shall collect from the qualified individual; or

''(ii) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by,

an amount equal to the difference between $2,700 and the total amount of reductions under subparagraph (A), which shall be paid into the Treasury of the United States as miscellaneous receipts.

''(2)(A) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under this section, for the qualified individual to pay that Secretary the amount due under paragraph (1).

''(B) Nothing in subparagraph (A) shall be construed as modifying the period of eligibility for and entitlement to basic educational assistance under this chapter applicable under section 3031 of this title.

''(d) With respect to qualified individuals referred to in subsection (c)(1)(B), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

''(1) the Secretary concerned collects the applicable amount under clause (i) of such subsection; or

''(2) the retired or retainer pay of the qualified individual is first reduced under clause (ii) of such subsection.

''(e) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.''.

(b) CONFORMING AMENDMENTS.—Section 3017(b)(1) of such title is amended—

(1) in subparagraphs (A) and (C), by striking ''or 3018C(e)'' and inserting ''3018C(e), or 3018D(c)''; and

(2) in subparagraph (B), by inserting ''or 3018D(c)'' after ''under section 3018C(e)''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018C the following new item:

''3018D. Opportunity for certain active-duty personnel to enroll.''.

By Mr. BAUCUS:

S. 2562. A bill to amend title XVIII of the Social Security Act provide incentives for the furnishing of quality care under Medicare Advantage plans and by end stage renal disease providers and facilities, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the ''Medicare Quality Improvement Act of 2004.''

This bill will establish a new payment incentive structure for quality health care, starting with the Medicare Advantage and End Stage Renal Disease programs. Under this policy, Medicare would give a financial boost to plans and renal care providers demonstrating the highest quality care and a bonus to those that are working hard to improve.

Why focus on quality? I hear from all corners that the U.S. health care system is unsustainable in its current form. Costs are rising, and the care provided is not always appropriate or necessary. Not to mention that 43 million Americans lack health insurance.

As I travel around Montana, I hear so much from so many constituents about the rising cost of health care. Countless parents tell me they are struggling to pay for health care for their families, afraid that one more illness will force them into bankruptcy. Working people tell me they fear their employers will raise their premiums or drop

coverage altogether due to rising health care costs. And employers, both large industries and small enterprises, tell me they face competition from companies in countries where healthcare is significantly less expensive. While these employers are trying to keep jobs at home, health care costs are pushing them abroad.

And most recently, my personal experience with the health care system has brought the issue of health costs and quality even closer to home.

A few weeks ago, I chose to have an elective procedure to keep my heart healthy. I have excellent health care coverage, and I was able to seek out excellent doctors and nurses at the Mayo Clinic. In short, I am fortunate that the care I received was high-quality care. The doctors and nurses who took care of me were on the ball—making sure I got the right medications with no dangerous interactions, using proper surgical safety so I wouldn't get an infection, and providing good follow-up care so I could get back to my family and back to work.

My experience with the health system was a positive one. Unfortunately, not everyone is as lucky. Ninety-eight thousand people die every year in this country as a result of medical errors. That's 270 people each day. An appalling statistic. Many of these deaths can be prevented, and we must work to make sure that they are.

In addition to the cases of medical error we know about, there are many that go unreported and even undetected. Studies have shown that patients in the U.S. receive recommended care and treatment when they visit the doctor or hospital only about half of the time. Failure to follow proper patterns of care or recommended guidelines can lead to poor outcomes, and it is also more expensive in the short and long run.

Errors can mean more trips to the hospital or to the doctor, more drugs, and sometimes even additional surgeries. Each preventable medication error costs about $4,700 in added hospital costs alone, not to mention the personal costs of childcare and lost wages, and the societal costs of lost productivity.

While not as fatal as actual errors, missed health care opportunities also carry a cost. Each year, missed health care opportunities—inappropriate care and generally poor quality care costs the U.S. health system more than $1 billion dollars in avoidable hospital bills and 41 million lost work days, which costs American businesses about $11.5 billion. Improving the quality of health care can reduce health care costs and stimulate our economy. In a time of slow economic growth and large deficits, health care is a compelling place to start.

Last year's Medicare Modernization Act got the ball rolling. The Medicare bill ties hospital reimbursement to reporting data on specific quality indicators. And hospitals are responding. Today, almost 2,000 hospitals are sharing data with the Centers for Medicare and Medicaid on at least one of the quality measures. Knowing more about the care that is delivered across the country should help us target incentives and resources to improve quality. It also provides employers and patients with new information about where to find the best deal for their health care dollar. And it also provides hospitals a way to compare their performance to other hospitals.

The bill I am introducing today builds on this strong start. It would establish a mechanism to pay for quality in the Medicare Advantage and End Stage Renal Disease Programs, through bonus payments for the best quality nationwide and bonuses for improving from one year to the next. Rewards for improvement are an important piece of my proposal—last year, the top ten percent of health plans in the country reported perfect scores on a set of quality indicators. There is no doubt that they deserve recognition. But we don't want to leave behind smaller or historically poorer-performing organizations that are making major strides to improve.

Medicare Advantage plans, which tend to utilize a coordinated model of care, have a unique opportunity to impact a patient's health outcomes—plans have access to information about a patient's medical history, and can follow patients more closely to ensure that they are receiving appropriate preventive, acute, and follow-up care. Medicare Advantage plans can translate their own payments into quality incentives downstream. They can reward providers for performing certain procedures known to be effective, or for prescribing drugs known to have equal or greater effectiveness at a reduced cost. And they can improve a beneficiary's preventive and wellness benefits.

Dialysis clinics that participate in Medicare through the program for patients with End Stage Renal Disease have a momentous mission, helping these patients enjoy life for years longer than we might have thought possible just a few decades ago. Because dialysis is such a complex operation, quality of care is extremely important.

Plans and providers in the Medicare Advantage and ESRD programs have already started measuring and reporting on quality, which makes them an excellent place to start. But I want to be clear these programs should not be singled out simply because they are ahead of the game. Working with ESRD providers and Medicare Advantage plans heralds the beginning of a longer journey, and we need to stay the course.

First, we need to monitor this quality incentive program and ensure that the methods used to measure health care quality and evaluate performance are evidence-based and valid.

Second, we should evaluate the impact of a pay-for-performance program on health plans and providers—particularly small organizations and those that are just entering the market. Additionally, because last year's Medicare legislation made payment and policy changes to these providers—for example, a short-term payment increase for ESRD and a new payment policy and the addition of regional plans for Medicare Advantage—we would need to keep a close eye on the consequences of these changes and the interaction with the pay-for-performance quality initiative and take action where necessary.

Third, we should look with a wide lens and move forward with quality initiatives in all government health care programs. It is our responsibility to set an example for the industry through quality improvement programs in Medicare and Medicaid, including traditional fee-for-service Medicare.

As I mentioned, the National Voluntary Hospital Reporting Initiative is a groundbreaking program, but we need to do more in traditional Medicare to encourage high quality care. My bill sketches out a roadmap that will lead us toward expanding the quality measures currently collected for fee-for-service providers, and ultimately toward additional Medicare payment systems that promote quality improvement.

We can also do more to focus on quality care in Medicaid. Today, there are a number of people at the Centers for Medicare and Medicaid Services whose responsibility it is to improve the quality of care in Medicare. On the Medicaid side, there is one person—one person who, while given the responsibility for quality, has no resources or authority to develop program innovations.

You might say that quality is already addressed in Medicaid. I applaud my colleague and Chairman of the Finance Committee, Senator GRASSLEY, for encouraging CMS to increase its quality improvement activities for home and community-based services in Medicaid. We should build on this foundation and broaden the effort. We need to identify barriers to quality improvement throughout the Medicaid program, and take steps toward removing those barriers.

The bill I introduce today would target a few of those barriers, and it would require further studies to identify others. It authorizes money to hire new staff—experienced health professionals—to improve the quality and coordination of care delivered to Medicaid beneficiaries. It explores ways to integrate data on Medicaid beneficiaries who are also enrolled in Medicare—the dual-eligibles and coordinate the care they receive from both programs. Many dual-eligibles are among the sickest and costliest beneficiaries. By better coordinating their care we can improve health outcomes and save money in both programs at once.

As you can tell, I have a lot of ideas. But I have only scratched the surface of this issue and am deeply committed to working with my colleagues in the

Senate to move forward. This bill is a good start, but it is just that—a start. We must do more.

Many of my colleagues in the Senate also care deeply about improving the health care system, and I commend their efforts to develop courageous proposals that will spark change. Senator CLINTON introduced a bill last year, the Health Information for Quality Improvement Act. More recently, Senator KENNEDY Introduced the Health Care Modernization, Cost Reduction, and Quality Improvement Act.

These bills lay out a comprehensive array of policies to improve health care quality and reduce costs, and my bill focuses on one piece of that picture—paying for quality. They represent the gold standard toward which we should all be working. But we share a common goal to make the most of the American health care dollar, so that we can provide better care to more people.

As I mentioned, health care in this country is more expensive than it is elsewhere. But we don't necessarily get more for our money. The United States spends twice as much on health care than any other country, but studies have shown that quality is about the same. Better in some areas, worse in others, but all in all about the same. No matter how you cut it, that means that the value of our health care—what we are getting for each dollar is less in the United States than in other developed countries.

I've always believed that Americans were all about value. We are the country of start-up companies and the home of Wal-Mart. We know about good business, and we know about hard work. We should know more—and do more—about health care.

We are an amazing country, but today our health care system is sick. Why? It is not the fault of hard-working doctors and nurses who put in long hours to make their patients healthy. It is our fault. We need to support the work of health care professionals by providing the right resources and designing payment systems to promote quality. Today, it takes an average 17 years for a new discovery in medical care to move from the lab bench into regular clinical practice. And for providers working in settings without regular Internet access or without the luxury of time to peruse medical journals, it may take even longer. As Members of Congress, we have the opportunity to change the system, to provide incentives for good care, funding for research into best medical practices, and to require the development and reporting of quality measures.

The road to this goal is long and difficult. I call on my colleagues for their energy and support, and I call on health care professionals and the health insurance industry to work with us. This is challenging work, and involves many difficult decisions. But I've never been one to shirk a challenge, and I hope you will join me. This bill is the beginning of what must be a strong bipartisan push to improve our health care system—to increase quality of care, to reduce costs, and to strengthen the American spirit.

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. 2562

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This Act may be cited as the ''Medicare Quality Improvement Act of 2004''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Medicare Advantage and reasonable cost reimbursement contract quality performance incentive payment program.
Sec. 4. Quality performance incentive payment program for providers and facilities that provide services to medicare beneficiaries with ESRD.
Sec. 5. Medicare innovative quality practice award program.
Sec. 6. Quality improvement demonstration program for pediatric renal dialysis facilities providing care to medicare beneficiaries with end stage renal disease.
Sec. 7. Medicare Quality Advisory Board.
Sec. 8. Studies and reports on financial incentives for quality items and services under the medicare program.
Sec. 9. MedPAC study and report on use of adjuster mechanisms under medicare quality performance incentive payment programs.
Sec. 10. Demonstration program on measuring the quality of health care furnished to pediatric patients under the medicaid and SCHIP programs.
Sec. 11. Provisions relating to medicaid quality improvements.
Sec. 12. Demonstration program for Medical Smart Cards.

SEC. 2. FINDINGS.

The Senate makes the following findings:

(1) The Institute of Medicine has highlighted problems with our health care system in the areas of quality and patient safety.

(2) The New England Journal of Medicine has published research in an article entitled ''The Quality of Health Care Delivered to Adults in the United States'' showing that adults in the United States receive recommended health care only about ½ of the time.

(3) Payment policies under the medicare program do not include mechanisms designed to improve the quality of care.

(4) The medicare program should reward health care providers who show, through measurement and reporting of quality indicators and through the practice of innovations, that they are working to deliver high quality health care to their patients.

(5) Reimbursement for services provided under the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act should be based on a pay-for-performance system.

(6) A more aggressive research agenda on the development of appropriate quality measurement and payment methodologies under the medicare program is necessary.

SEC. 3. MEDICARE ADVANTAGE AND REASONABLE COST REIMBURSEMENT CONTRACT QUALITY PERFORMANCE INCENTIVE PAYMENT PROGRAM.

(a) PROGRAM.—Part C of title XVIII of the Social Security Act, as amended by section 241 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2214), is amended by adding at the end the following new section:

''QUALITY PERFORMANCE INCENTIVE PAYMENT PROGRAM

''SEC. 1860C–2. (a) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program under which financial incentive payments are provided each year to Medicare Advantage organizations offering Medicare Advantage plans and organizations that are providing benefits under a reasonable cost reimbursement contract under section 1876(h) that demonstrate the provision of superior quality health care to enrollees under the plan or contract.

''(2) PROGRAM TO BEGIN IN 2007.—The Secretary shall establish the program so that National Performance Quality Payments (described in subsection (c)) and National Quality Improvement Payments (described in subsection (d)) are made with respect to 2007 and each subsequent year.

''(3) REQUIREMENT.—In order for an organization to be eligible for a financial incentive payment under this section with respect to a Medicare Advantage plan or a reasonable cost reimbursement contract under section 1876(h), the organization shall—

''(A) provide for the collection, analysis, and reporting of data pursuant to sections 1852(e)(3) and 1876(h)(8), respectively, with respect to the plan or contract; and

''(B) not later than a date specified by the Secretary during each baseline year (as defined in subsection (d)(4)), submit such data on the quality measures described in subsection (e)(2) as the Secretary determines appropriate for the purpose of establishing a baseline with respect to the plan or contract.

''(4) USE OF MOST RECENT DATA.—Financial incentive payments under this section shall be based upon the most recent available quality data.

''(5) TIMING OF QUALITY INCENTIVE PAYMENTS.—The Secretary shall ensure that financial incentive payments under this section with respect to a year are made by March 1 of the subsequent year.

''(6) APPLICABILITY OF PROGRAM TO MA PLANS.—For purposes of this section, the term 'Medicare Advantage plan' shall—

''(A) include both MA regional plans and MA local plans; and

''(B) not include an MA plan described in subparagraph (A)(ii) or (B) of section 1851(a)(2).

''(b) QUALITY INCENTIVE PAYMENTS.—

''(1) IN GENERAL.—Beginning with 2007, the Secretary shall allocate the total amount available for financial incentive payments in the year under subsection (f) as follows:

''(A) The per beneficiary payment amount for National Performance Quality Payments established under paragraph (2) shall be greater than the per beneficiary payment amount for National Quality Improvement Payments established under such paragraph.

''(B) With respect to National Performance Quality Payments, the per beneficiary payment amount established under paragraph (2) shall be greatest for the organizations offering the highest performing plans or contracts.

''(C) With respect to National Quality Improvement Payments, the per beneficiary

payment amount established under paragraph (2) shall be greatest for the organizations offering plans or contracts with the highest degree of improvement.

''(2) AMOUNT OF QUALITY INCENTIVE PAYMENT.—

''(A) IN GENERAL.—The amount of a financial incentive payment under subsection (c) or (d) to a Medicare Advantage organization with respect to a Medicare Advantage plan or to an organization with respect to a reasonable cost reimbursement contract under section 1876(h) shall be determined by multiplying the number of beneficiaries enrolled under the plan or contract on the first day of the year for which the payment is provided by a dollar amount established by the Secretary (in this section referred to as the 'per beneficiary payment amount') that is the same for all beneficiaries enrolled under the plan or contract.

''(B) LIMITATION ON TOTAL AMOUNT OF QUALITY INCENTIVE PAYMENTS.—The total amount of all the financial incentive payments given with respect to a year shall be equal to the amount available for such payments in the year under subsection (f).

''(3) USE OF QUALITY INCENTIVE PAYMENTS.—Financial incentive payments received under this section may only be used for the following purposes:

''(A) To reduce any beneficiary cost-sharing applicable under the plan or contract.

''(B) To reduce any beneficiary premiums applicable under the plan or contract.

''(C) To initiate, continue, or enhance health care quality programs for enrollees under the plan or contract.

''(D) To improve the benefit package under the plan or contract.

''(4) REPORTING ON USE OF QUALITY INCENTIVE PAYMENTS.—Beginning in 2008, each MA organization that receives a financial incentive payment under this section shall report to the Secretary pursuant to section 1854(a)(7) on how the organization will use such payment.

''(5) LIMITATIONS ON QUALITY INCENTIVE PAYMENTS.—

''(A) PLAN ONLY ELIGIBLE FOR 1 PAYMENT IN A YEAR.—A Medicare Advantage organization offering a Medicare Advantage plan or an organization that is providing benefits under a reasonable cost reimbursement contract under section 1876(h) may not receive more than 1 financial incentive payment under this section in a year with respect to such plan or contract. If an organization with respect to the plan or contract is eligible for a National Performance Quality Payment and a National Quality Improvement Payment, the organization shall be given the National Performance Quality Payment.

''(B) PLAN MUST BE AVAILABLE FOR ENTIRE YEAR.—A Medicare Advantage organization offering a Medicare Advantage plan or an organization that is providing benefits under a reasonable cost reimbursement contract under section 1876(h) is not eligible for a financial incentive payment under this section with respect to such plan or contract unless the plan or contract offers benefits throughout the year in which the payment is provided.

''(c) NATIONAL PERFORMANCE QUALITY PAYMENTS.—The Secretary shall make National Performance Quality Payments to the Medicare Advantage organizations and organizations offering reasonable cost reimbursement contracts under section 1876(h) with respect to each Medicare Advantage plan or reasonable cost contract offered by the organization that receives ratings for the year in the top applicable percent of all plans and contracts rated by the Secretary pursuant to subsection (e) for the year. For purposes of the preceding sentence, the term 'applicable percent' means a percent determined appropriate by the Secretary in consultation with the Quality Advisory Board, but in no case less than 20 percent.

''(d) NATIONAL QUALITY IMPROVEMENT PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make National Quality Improvement Payments to Medicare Advantage organizations and organizations offering reasonable cost reimbursement contracts under section 1876(h) with respect to each Medicare Advantage plan or reasonable cost reimbursement contract offered by the organization that receives a rating under subsection (e) for the payment year that exceeds the rating received under such subsection for the plan or contract for the baseline year.

''(2) NATIONAL IMPROVEMENT STANDARD.—Beginning with 2009, the Secretary may implement a national improvement standard that Medicare Advantage plans and reasonable cost reimbursement contracts must meet in order to receive a National Quality Improvement Payment.

''(3) APPLICATION OF THRESHOLDS.—In determining whether a rating received under subsection (e) for the payment year exceeds the rating received under such subsection for the baseline year, the Secretary shall hold any applicable thresholds constant. For purposes of the preceding sentence, the term 'threshold' means norms used to assess performance.

''(4) BASELINE YEAR DEFINED.—In this subsection, the term 'baseline year' means the year prior to the payment year.

''(e) RATING METHODOLOGY.—

''(1) SCORING AND RANKING SYSTEMS.—

''(A) IN GENERAL.—The Secretary shall develop separate scoring and ranking systems for purposes of determining which organizations offering Medicare Advantage plans and reasonable cost reimbursement contracts under section 1876(h) qualify for—

''(i) National Performance Quality Payments; and

''(ii) National Quality Improvement Payments.

''(B) REQUIREMENTS.—In developing, implementing, and updating the scoring and ranking systems, the Secretary shall—

''(i) consult with the Quality Advisory Board established under section 1898;

''(ii) take into account the report on health care performance measures submitted by the Institute of Medicine of the National Academy of Sciences under section 238 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; and

''(iii) take into account the Managed Care Organization (MCO) standards and guideline methodology of the National Committee for Quality Assurance for awarding total Health Plan Employer Data and Information Set (HEDIS) points (based on HEDIS and Consumer Assessment of Health Plans Survey (CAHPS) measures).

''(2) MEASURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), in developing the scoring and ranking systems under paragraph (1), the Secretary shall use all measures determined appropriate by the Secretary. Such measures may include—

''(i) outcome measures for highly prevalent chronic conditions;

''(ii) audited HEDIS outcomes and process measures, CAHPS data, and other data reported to the Department of Health and Human Services; and

''(iii) the Joint Commission on Accreditation of Healthcare Organizations core measures.

''(B) SCORING AND RANKING SYSTEM FOR NATIONAL PERFORMANCE QUALITY PAYMENTS ONLY BASED ON MEASURES OF CLINICAL EFFECTIVENESS.—The scoring and ranking system for National Performance Quality Payments shall only include measures of clinical effectiveness.

''(3) WEIGHTS OF MEASURES.—In developing the scoring and ranking systems under paragraph (1), the Secretary shall assign weights to the measures used by the Secretary under such system pursuant to paragraph (2). In assigning such weights, the Secretary shall provide greater weight to the measures that measure clinical effectiveness.

''(4) RISK ADJUSTMENT.—In developing the scoring and ranking systems under paragraph (1), the Secretary shall establish procedures for adjusting the data used under the system to take into account differences in the health status of individuals enrolled under Medicare Advantage plans and reasonable cost contracts.

''(5) UPDATE.—

''(A) IN GENERAL.—The Secretary shall as determined appropriate, but in no case more often than once each 12-month period, update the scoring and ranking systems developed under paragraph (1), including the measures used by the Secretary under such system pursuant to paragraph (2), the weights established pursuant to paragraph (3), and the risk adjustment procedures established pursuant to paragraph (4).

''(B) COMPARISON FOR NATIONAL QUALITY IMPROVEMENT PAYMENTS.—Each update under subparagraph (A) of the scoring and ranking system for National Quality Improvement Payments shall allow for the comparison of data from one year to the next for purposes of identifying which plans or contracts will receive such Payments.

''(C) CONSULTATION.—In determining when and how to update the scoring and ranking systems under subparagraph (A), the Secretary shall consult with the Quality Advisory Board.

''(f) FUNDING OF PAYMENTS.—The amount available for financial incentive payments under this section with respect to a year shall be equal to the amount of the reduction in expenditures under the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in the year as a result of the amendments made by section 3(b) of the Medicare Quality Improvement Act of 2004.''.

(b) REDUCTION IN PAYMENTS TO ORGANIZATIONS IN ORDER TO FUND PROGRAM.—

(1) MA PAYMENTS.—

(A) IN GENERAL.—Section 1853(j) of the Social Security Act (42 U.S.C. 1395w–23(j)), as added by section 222(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2200), is amended—

(i) in subparagraphs (A) and (B) of paragraph (1), by inserting ''and, beginning in 2007, reduced by 2 percent in the case of an MA plan described in subparagraph (A)(i) or (C) of section 1851(a)(2)'' before the semicolon at the end; and

(ii) in paragraph (2), by inserting ''and, beginning in 2007, reduced by 2 percent in the case of an MA plan described in subparagraph (A)(i) or (C) of section 1851(a)(2)'' before the period at the end.

(B) REDUCTIONS IN PAYMENTS DO NOT EFFECT THE GOVERNMENT SAVINGS FOR BIDS BELOW THE BENCHMARK.—Section 1854(b)(1)(C)(i) of the Social Security Act (42 U.S.C. 1395w–24(b)(1)(C)(i)), as added by section 222(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2196), is amended—

(i) by striking ''75 percent'' and inserting ''100 percent''; and

(ii) by inserting the following before the period at the end: '', reduced by 25 percent of such average per capita savings (if any), as applicable to the plan and year involved, that would be computed if sections 1853(j) and 1860C–1(e)(1) was applied by substituting

'zero percent' for '2 percent' each place it appears''.

(2) REASONABLE COST CONTRACT PAYMENTS.—Section 1876(h) of the Social Security Act (42 U.S.C. 1395mm(h)) is amended by adding at the end the following new paragraph:

''(6) Notwithstanding the preceding provisions of this subsection, the Secretary shall reduce each payment to an eligible organization under this subsection with respect to benefits provided on or after January 1, 2007, by an amount equal to 2 percent of the payment amount. The preceding sentence shall have no effect on payments to eligible organizations for the provision of qualified prescription drug coverage under part D.''.

(3) CCA PAYMENTS.—The first sentence of section 1860C–1(e)(1) of the Social Security Act, as added by section 241 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2214) is amended by inserting '', reduced by 2 percent in the case of an MA plan described in subparagraph (A)(i) or (C) of section 1851(a)(2)'' before the period at the end.

(c) REQUIREMENT FOR REPORTING ON USE OF FINANCIAL INCENTIVE PAYMENTS.—

(1) MA PLANS.—Section 1854(a) of the Social Security Act (42 U.S.C. 1395w–24(a)), as amended by section 222(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2193), is amended—

(A) in paragraph (1)(A)(i), by striking ''or (6)(A)'' and inserting ''(6)(A), or (7)''; and

(B) by adding at the end the following:

''(7) SUBMISSION OF INFORMATION OF HOW FINANCIAL INCENTIVE PAYMENTS WILL BE USED BEGINNING IN 2008.—For an MA plan described in subparagraph (A)(i) or (C) of section 1851(a)(2) for a plan year beginning on or after January 1, 2008, the information described in this paragraph is a description of how the organization offering the plan will use any financial incentive payment that the organization received under section 1860C–2 with respect to the plan.''.

(2) ELIGIBLE ENTITIES WITH REASONABLE COST CONTRACTS.—Section 1876(h) of the Social Security Act (42 U.S.C. 1395mm(h)), as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

''(7)(A) Not later than July 1 of each year (beginning in 2008), any eligible entity with a reasonable cost reimbursement contract under this subsection that receives a financial incentive payment under section 1860C–2 with respect to each plan year shall submit to the Secretary a report containing the information described in subparagraph (B).

''(B) The information described in this subparagraph is a description of how the organization offering the plan will use any financial incentive payment that the organization received under section 1860C–2 with respect to the plan.''.

(d) SUBMISSION OF QUALITY DATA.—

(1) MA ORGANIZATIONS.—Section 1852(e) of the Social Security Act (42 U.S.C. 1395w–22(e)), as amended by section 722 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2347), is amended—

(A) in paragraph (1), by striking ''an MA private fee-for-service plan or''; and

(B) by striking paragraph (3) and inserting the following new paragraph:

''(3) COLLECTION, ANALYSIS, AND REPORTING.—

''(i) IN GENERAL.—As part of the quality improvement program under paragraph (1), each MA organization shall provide for the collection, analysis, and reporting of data that permits the measurement of health outcomes and other indices of quality.

''(ii) COORDINATION WITH COMMERCIAL ENROLLEE REPORTING REQUIREMENTS.—The Secretary shall establish procedures to ensure the coordination of the reporting requirement under clause (i) with reporting requirements for the organization under this part relating to individuals enrolled with the organization but not under this part. Although such reporting requirements shall be coordinated pursuant to the preceding sentence, the use of the data reported may vary.''.

(2) ELIGIBLE ENTITIES WITH REASONABLE COST CONTRACTS.—Section 1876(h) of the Social Security Act (42 U.S.C. 1395mm(h)), as amended by subsection (c)(2), is amended by adding at the end the following new paragraph:

''(8)(A) With respect to plan years beginning on or after January 1, 2006, an eligible entity with a reasonable cost reimbursement contract under this subsection shall provide for the collection, analysis, and reporting of data that permits the measurement of health outcomes and other indices of quality.

''(B) The Secretary shall establish procedures to ensure the coordination of the reporting requirement under subparagraph (A) with reporting requirements for the entity under this title relating to individuals enrolled with the entity but not receiving benefits under this title.''.

SEC. 4. QUALITY PERFORMANCE INCENTIVE PAYMENT PROGRAM FOR PROVIDERS AND FACILITIES THAT PROVIDE SERVICES TO MEDICARE BENEFICIARIES WITH ESRD.

Section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)), as amended by section 623(d)(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2313), is amended—

(1) in paragraph (11)(B), by striking ''paragraphs (12) and (13)'' and inserting ''paragraphs (12), (13), and (14)'';

(2) in paragraph (12), by striking ''In lieu of'' and inserting ''Subject to paragraph (14), in lieu of'';

(3) in paragraph (13)(A), in the matter preceding clause (i), by striking ''The payment amounts'' and inserting ''Subject to paragraph (14), the payment amounts''; and

(4) by adding at the end the following new paragraph:

''(14) RENAL DIALYSIS PERFORMANCE INCENTIVE PAYMENT PROGRAM.—

''(A) ESTABLISHMENT OF PROGRAM.—

''(i) IN GENERAL.—The Secretary shall establish a program under which financial incentive payments are provided each year to providers of services and renal dialysis facilities that receive payments under paragraph (12) or (13) and demonstrate the provision of superior quality health care to individuals with end stage renal disease.

''(ii) PROGRAM TO BEGIN IN 2007.—The Secretary shall establish the program so that National Performance Quality Payments (described in subparagraph (C)) and National Quality Improvement Payments (described in subparagraph (D)) are made with respect to 2007 and each subsequent year.

''(iii) REQUIREMENT.—In order for a provider of services or a renal dialysis facility to be eligible for a financial incentive payment under this section, the provider or facility shall, not later than a date specified by the Secretary during the baseline year (as defined in subparagraph (D)(iv)), submit such data on the quality measures as the Secretary determines appropriate for the purpose of establishing a baseline with respect to the provider or facility.

''(iv) USE OF MOST RECENT DATA.—Financial incentive payments under this paragraph shall be based upon the most recent available quality data as provided by the Consolidated Renal Operations in a Web-enabled Network (CROWN) system.

''(v) PEDIATRIC FACILITIES NOT INCLUDED IN PROGRAM.—For purposes of this paragraph, including subparagraph (F)(i), the terms 'renal dialysis facility' and 'facility' do not include a renal dialysis facility at least 50 percent of whose patients are individuals under 18 years of age.

''(B) PAYMENTS.—

''(i) IN GENERAL.—Beginning with 2007, the Secretary shall allocate the total amount available for financial incentive payments in the year under subparagraph (F)(ii) as follows:

''(I) The amount allocated for National Performance Quality Payments shall be greater than the amount allocated for National Quality Improvement Payments.

''(II) With respect to National Performance Quality Payments, the per capita amount of the payments shall be greatest for the organizations offering the highest performing plans or contracts.

''(III) With respect to National Quality Improvement Payments, the per capita amount of the payments shall be greatest for the organizations offering plans or contracts with the highest degree of improvement.

''(ii) AMOUNT OF QUALITY INCENTIVE PAYMENT.—

''(I) IN GENERAL.—The amount of a financial incentive payment under subparagraph (C) or (D) to a provider of services or renal dialysis facility shall be determined by multiplying the number of beneficiaries who received dialysis services from the provider or facility during the year for which the payment is provided by a dollar amount established by the Secretary that is the same with respect to each beneficiary receiving dialysis services from the provider or facility.

''(II) LIMITATION ON TOTAL AMOUNT OF QUALITY INCENTIVE PAYMENTS.—The total amount of all the financial incentive payments given with respect to a year shall be equal to the amount available for such payments in the year under subparagraph (F)(ii).

''(iii) USE OF QUALITY INCENTIVE PAYMENTS.—Financial incentive payments received under this paragraph may be used for the following purposes:

''(I) To invest in information technology systems that will improve the quality of care provided to individuals with end stage renal disease.

''(II) To initiate, continue, or enhance health care quality programs for individuals with end stage renal disease.

''(III) Any other purpose determined appropriate by the Secretary.

''(iv) LIMITATIONS ON QUALITY INCENTIVE PAYMENTS.—

''(I) ONLY ELIGIBLE FOR 1 PAYMENT IN A YEAR.—A provider of services or a renal dialysis facility may not receive more than 1 financial incentive payment under this paragraph in a year. If a provider of services or a renal dialysis facility is eligible for a National Performance Quality Payment and a National Quality Improvement Payment, the organization shall be given the National Performance Quality Payment.

''(II) SERVICES MUST BE AVAILABLE FOR ENTIRE YEAR.—A provider of services or renal dialysis facility is not eligible for a financial incentive payment under this paragraph unless the provider or facility is in operation and providing dialysis services for the entire year for which the payment is provided.

''(C) NATIONAL PERFORMANCE QUALITY PAYMENTS.—The Secretary shall make National Performance Quality Payments to the providers of services and renal dialysis facilities that receive ratings for the year in the top applicable percent of all providers and facilities rated by the Secretary pursuant to subparagraph (E) for the year. For purposes of the preceding sentence, the term 'applicable percent' means a percent determined appropriate by the Secretary in consultation with

the Quality Advisory Board, but in no case less than 20 percent.

''(D) NATIONAL QUALITY IMPROVEMENT PAYMENTS.—

''(i) IN GENERAL.—National Quality Improvement Payments shall be paid to each provider of services and renal dialysis facility that receives ratings under subparagraph (E) for the payment year that exceed the ratings received under such subparagraph for the provider or facility for the baseline year.

''(ii) NATIONAL IMPROVEMENT STANDARD.—Beginning with 2009, the Secretary shall have the authority to implement a national improvement standard that providers of services and renal dialysis facilities must meet in order to receive a National Quality Improvement Payment.

''(iii) APPLICATION OF THRESHOLDS.—In determining whether a rating received under subparagraph (E) for the payment year exceeds the rating received under such subsection for the baseline year, the Secretary shall hold any applicable thresholds constant.

''(iv) BASELINE YEAR DEFINED.—In this subparagraph, the term 'baseline year' means the year prior to the payment year.

''(E) RATING METHODOLOGY.—

''(i) SCORING AND RANKING SYSTEMS.—

''(I) IN GENERAL.—The Secretary shall develop separate scoring and ranking systems for purposes of determining which providers of services and renal dialysis facilities qualify for—

''(aa) National Performance Quality Payments; and

''(bb) National Quality Improvement Payments.

''(II) REQUIREMENTS.—In developing, implementing, and updating the scoring and ranking systems, the Secretary shall—

''(aa) consult with the Quality Advisory Board established under section 1898 and the network administrative organizations designated under subsection (c)(1)(A)(i)(II); and

''(bb) take into account the report on health care performance measures submitted by the Institute of Medicine of the National Academy of Sciences under section 238 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(ii) MEASURES.—

''(I) IN GENERAL.—Subject to subclause (II), in developing the scoring and ranking system under clause (i), the Secretary shall use all measures determined appropriate by the Secretary. Such measures may include the following:

''(aa) The measures profiled in the ESRD Clinical Performance Measures (CPM) project of the Centers for Medicare & Medicaid Services.

''(bb) The measures for bone disease to be determined by the K-DOQI project of the National Kidney Foundation.

''(II) Scoring and ranking system for national performance quality payments only based on measures of clinical effectiveness.—The scoring and ranking system for National Performance Quality Payments shall only include measures of clinical effectiveness.

''(iii) WEIGHTS OF MEASURES.—In developing the scoring and ranking systems under clause (i), the Secretary shall assign weights to the measures used by the Secretary under such system pursuant to clause (ii). In assigning such weights, the Secretary shall provide greater weight to the measures that measure clinical effectiveness.

''(iv) RISK ADJUSTMENT.—In developing the scoring and ranking systems under clause (i), the Secretary shall establish procedures for adjusting the data used under the system to take into account differences in the health status of individuals receiving dialysis services from providers of services and renal dialysis facilities.

''(v) UPDATE.—

''(I) IN GENERAL.—The Secretary shall as determined appropriate, but in no case more often than once each 12-month period, update the scoring and ranking systems developed under clause (i), including the measures used by the Secretary under such system pursuant to clause (ii), the weights established pursuant to clause (iii), and the risk adjustment procedures established pursuant to clause (iv).

''(II) COMPARISON FOR NATIONAL QUALITY IMPROVEMENT PAYMENTS.—Each update under subclause (I) of the National Quality Improvement Payments shall allow for the comparison of data from one year to the next for purposes of identifying which providers of services and renal dialysis facilities will receive such Payments.

''(III) CONSULTATION.—In determining when and how to update the scoring and ranking systems under subclause (I), the Secretary shall consult with the Quality Advisory Board.

''(F) FUNDING OF PAYMENTS.—

''(i) REDUCTION IN PAYMENTS.—In order to provide the funding for the financial incentive payments under this paragraph, for each year (beginning with 2007), the Secretary shall reduce each payment under paragraphs (12) and (13) to a provider of service and a renal dialysis facility by an amount equal to 2 percent of the payment.

''(ii) AMOUNT AVAILABLE.—The amount available for financial incentive payments under this section with respect to a year shall be equal to the amount of the reduction in expenditures under the Federal Supplementary Medical Insurance Trust Fund in the year as a result of the application of clause (i).''.

SEC. 5. MEDICARE INNOVATIVE QUALITY PRACTICE AWARD PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a program under which the Secretary shall award bonus payments to entities and individuals providing items and services under the medicare program under title XVIII of the Social Security Act that demonstrate innovative practices, structural improvements, or capacity enhancements that improve the quality of health care provided to medicare beneficiaries by such entities and individuals.

(b) PERIOD OF PROGRAM.—Awards under the program shall be made during 2006, 2007, and 2008.

(c) SELECTION OF RECIPIENTS.—

(1) IN GENERAL.—The Secretary shall ensure that the entities and individuals that receive an award under this section have demonstrated improvements in the quality of health care provided to medicare beneficiaries by such entities and individuals through comparison with a control group or baseline evaluation. For purposes of the program, improvements in the quality of health care provided to medicare beneficiaries shall be defined as providing additional services, such as translator services and health literacy education services, or providing care to an expanded service area or an expanded population through telemedicine, increased cultural competence, or other means, in combination with improved health outcomes or reduced beneficiary costs.

(2) ALL ENTITIES AND INDIVIDUALS ELIGIBLE.—Any entity, including a plan, or individual that is providing services under the medicare program is eligible for receiving an award under this section.

(3) CONSULTATION.—In selecting the recipients of the awards under this section, the Secretary shall consult with the Quality Advisory Board established under section 1898 of the Social Security Act, as added by section 7.

(d) MINIMUM NUMBER OF AWARDS.—The Secretary shall make at least 10 awards under this section in each year of the program.

(e) APPLICATION.—An entity or individual desiring an award under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(f) AMOUNT OF AWARD.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (h), the Secretary shall determine the amount of awards under this section.

(2) REQUIREMENT.—In determining the amount of awards under this section, the Secretary shall ensure that—

(A) no single award is excessive; and

(B) consideration is given to the number of beneficiaries served by the entity or individual receiving the award.

(g) REPORT.—Not later than 6 months after the date on which the program established under subsection (a) ends, the Secretary shall submit to Congress a report on the program together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

(h) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated $10,000,000 for each of 2006, 2007, and 2008 to carry out this section.

SEC. 6. QUALITY IMPROVEMENT DEMONSTRATION PROGRAM FOR PEDIATRIC RENAL DIALYSIS FACILITIES PROVIDING CARE TO MEDICARE BENEFICIARIES WITH END STAGE RENAL DISEASE.

(a) DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a 3-year demonstration program under which the Secretary establishes demonstration projects that encourage pediatric dialysis facilities to provide superior quality health care to individuals with end stage renal disease.

(2) CONSULTATION IN SELECTING SITES.—In selecting the demonstration project sites under this section, the Secretary shall consult with the Quality Advisory Board established under section 1898 of the Social Security Act, as added by section 7.

(3) SUBMISSION OF QUALITY DATA.—Under the demonstration projects, demonstration sites shall select appropriate measures of quality of care provided to individuals eligible for benefits under title XVIII of the Social Security Act who are under 18 years of age and shall report data on such measures to the Secretary.

(4) ASSESSMENT OF MEASURES.—The Secretary, in consultation with the Quality Advisory Board, shall assess the validity and reliability of the measures selected under paragraph (2).

(b) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII as may be necessary to carry out the purposes of the demonstration program established under this section.

(c) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) of such funds as are necessary for the costs of carrying out the demonstration program under this section.

(2) BUDGET NEUTRALITY.—In conducting the demonstration program under this section, the Secretary shall ensure that the aggregate expenditures made by the Secretary do

not exceed the amount which the Secretary would have expended if the demonstration program under this section was not implemented.

(d) REPORT.—Not later than 6 months after the date on which the demonstration program established under this section ends, the Secretary shall prepare and submit to Congress a report on the demonstration program together with—

(1) recommendations on whether pediatric renal dialysis facilities should be included in the renal dialysis performance payment program under section 1881(b)(14) of the Social Security Act (42 U.S.C. 1395rr(b)(14)), as added by section 4(4); and

(2) such recommendations for legislation or administrative action as the Secretary determines appropriate.

(e) PEDIATRIC RENAL DIALYSIS FACILITY DEFINED.—The term ''pediatric renal dialysis facility'' means a renal dialysis facility that receives payments under paragraph (12) or (13) of section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)) and is not eligible to participate in the renal dialysis performance payment program under paragraph (14) of such section (as added by section 4(4)) because of the application of subparagraph (A)(iv) of such paragraph.

SEC. 7. MEDICARE QUALITY ADVISORY BOARD.

Title XVIII of the Social Security Act, as amended by section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2447), is amended by adding at the end the following new section:

''QUALITY ADVISORY BOARD

''SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish a Medicare Quality Advisory Board (in this section referred to as the 'Board').

''(b) MEMBERSHIP AND TERMS.—

''(1) IN GENERAL.—Subject to paragraphs (3), (4), and (5), the Board shall be composed of representatives described in paragraph (2) who shall serve for such term as the Secretary may specify.

''(2) REPRESENTATIVES.—Representatives described in this subparagraph include representatives of the following:

''(A) Patients or patient advocate organizations.

''(B) Individuals with expertise in the provision of quality care, such as medical directors, heads of hospital quality improvement committees, health insurance plan representatives, and academic researchers.

''(C) Health care professionals and providers.

''(D) Organizations that focus on the measurement and reporting of quality indicators.

''(E) State government health care programs.

''(3) MAJORITY NONPROVIDERS.—Individuals who are directly involved in the provision, or management of the delivery, of items and services covered under this title shall not constitute a majority of the membership of the Board.

''(4) EXPERIENCE WITH URBAN AND RURAL HEALTH CARE ISSUES.—The membership of the Board should be representative of individuals with experience with urban health care issues and individuals with experience with rural health care issues.

''(5) EXPERIENCE ACROSS A SPECTRUM OF ACTIVITIES.—The membership of the Board should be representative of individuals with experience across the spectrum of activities that the Secretary is responsible for with respect to this title, including the coverage of new services and technologies, payment rates and methodologies, beneficiary services, and claims processing.

''(c) DUTIES.—

''(1) INCENTIVE PROGRAMS.—

''(A) ADVICE.—The Board shall advise the Secretary regarding—

''(i) the development, implementation, and updating of the scoring and ranking systems under sections 1860C–2(e) and 1881(b)(14)(E);

''(ii) the determination of the applicable percent for national performance quality payments under sections 1860C–2(c) and 1881(b)(14)(C);

''(iii) the selection of recipients of innovative quality practice awards under the program under section 5 of the Medicare Quality Improvement Act of 2004;

''(iv) the selection of demonstration project sites and the assessment of measures of quality of care under the demonstration program under section 6 of the Medicare Quality Improvement Act of 2004; and

''(v) the study and report under section 8(b) of the Medicare Quality Improvement Act of 2004.

''(B) ANNUAL REPORT ON INCENTIVE PROGRAMS.—The Board shall submit an annual report to the Secretary and Congress on the programs under sections 1860C–2 and 1881(b)(14).

''(C) ADDITIONAL DUTIES.—The Board shall perform such additional functions to assist the Secretary in carrying out the programs described in clauses (ii) and (iii) of subparagraph (A) and in subparagraph (B) as the Secretary may specify.

''(2) DEVELOPMENT AND ASSESSMENT OF NATIONAL PRIORITIES AND AGENDA.—The Board shall develop and assess national priorities and an agenda for improving the quality of items and services furnished to individuals entitled to benefits under this title.

''(d) WAIVER OF ADMINISTRATIVE LIMITATION.—The Secretary shall establish the Board notwithstanding any limitation that may apply to the number of advisory committees that may be established (within the Department of Health and Human Services or otherwise).''.

SEC. 8. STUDIES AND REPORTS ON FINANCIAL INCENTIVES FOR QUALITY ITEMS AND SERVICES UNDER THE MEDICARE PROGRAM.

(a) IOM STUDY AND REPORT ON HOW MEDICARE PAYMENTS FOR ITEMS AND SERVICES AFFECT THE QUALITY OF SUCH ITEMS AND SERVICES.—

(1) STUDY.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall request the Institute of Medicine of the National Academy of Sciences to conduct a study on how the payment mechanisms for items and services under the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act effect the quality of such items and services.

(2) REPORT TO CONGRESS.—Not later than January 1, 2006, the Secretary shall submit to Congress a report on the results of the study described in paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

(b) HHS STUDY AND REPORT ON PROVIDING FINANCIAL INCENTIVES FOR QUALITY SERVICES UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study on the actions necessary to establish a payment system under the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act that aligns the quality of services provided under such program with the reimbursement provided under such program for such services.

(2) REPORT.—

(A) IN GENERAL.—Not later than January 1, 2008, the Secretary shall submit a report to Congress on the study conducted under paragraph (1).

(B) CONTENTS.—The report submitted under subparagraph (A) shall contain recommendations with respect to—

(i) the incremental steps necessary to develop the payment system described in paragraph (1);

(ii) the performance measures to be used under such payment system;

(iii) the incentive approaches to be used under such payment system;

(iv) the geographic and risk adjusters to be used under such payment system; and

(v) a strategy for aligning payment with performance across all parts of the medicare program.

(3) REQUIREMENT.—In conducting the study under paragraph (1) and preparing the report under paragraph (2), the Secretary shall—

(A) consult with the Quality Advisory Board established under section 1898 of the Social Security Act, as added by section 7; and

(B) take into account the report on health care performance measures submitted by the Institute of Medicine of the National Academy of Sciences under section 238 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2213).

SEC. 9. MEDPAC STUDY AND REPORT ON USE OF ADJUSTER MECHANISMS UNDER MEDICARE QUALITY PERFORMANCE INCENTIVE PAYMENT PROGRAMS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study—

(1) to determine whether it is appropriate to incorporate a geographic adjuster into the quality performance incentive payment programs under sections 1860C–2 and 1881(b)(14) of the Social Security Act, as added by sections 3 and 4, respectively, to account for different environments of care, regional payment variation, regional variation of patient satisfaction, and regional case mix variation; and

(2) on the most appropriate methods to risk adjust data used under the scoring and ranking system under such programs pursuant to sections 1860C–2(e)(4) and 1881(b)(14)(E)(iv) of the Social Security Act.

(b) REPORT.—Not later than January 1, 2006, the Commission shall submit a report to Congress and the Secretary of Health and Human Services on the study conducted under subsection (a) together with recommendations for such legislation and administrative actions as the Commission considers appropriate. If such study concludes that a geographic adjuster described in subsection (a)(1) is appropriate, the Commission shall include in the report recommendations on how such adjuster could be incorporated into the quality performance incentive payment programs described in such subsection.

SEC. 10. DEMONSTRATION PROGRAM ON MEASURING THE QUALITY OF HEALTH CARE FURNISHED TO PEDIATRIC PATIENTS UNDER THE MEDICAID AND SCHIP PROGRAMS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a 3-year demonstration program to examine the development and use of quality measures, pay-for-performance programs, and other strategies in order to encourage providers to furnish superior quality health care to individuals under 18 years of age under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and under the SCHIP program under title XXI of such Act (42 U.S.C. 1397aa et seq.).

(2) AUTHORITY.—The Secretary shall conduct the demonstration program under this section pursuant to the authority provided under this section and not under the authority provided under section 1115 of the Social Security Act (42 U.S.C. 1315).

(b) SITES TO INCLUDE MULTIPLE SETTINGS AND PROVIDERS.—In selecting the demonstration program sites under this section, the Secretary shall ensure that the sites include health care delivery in multiple settings and through multiple providers, such as school-based settings and mental health providers.

(c) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI, XIX, and XXI of the Social Security Act (42 U.S.C. 1301 et seq.; 1396 et seq.; 1397aa et seq.) as may be necessary to carry out the purposes of the demonstration program under this section.

(d) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of conducting the demonstration program under this section, expenditures under the demonstration program shall be treated as medical assistance under section 1903 of the Social Security Act (42 U.S.C. 1396) or child health assistance under section 2105 of such Act (42 U.S.C. 1397).

(2) BUDGET NEUTRALITY.—In conducting the demonstration program under this section, the Secretary shall ensure that the aggregate expenditures made by the Secretary do not exceed the amount which the Secretary would have expended if the demonstration program under this section had not been implemented.

(e) REPORT.—Not later than 6 months after the date on which the demonstration program under this section ends, the Secretary shall submit to Congress a report on the demonstration program together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

SEC. 11. PROVISIONS RELATING TO MEDICAID QUALITY IMPROVEMENTS.

(a) AUTHORIZATION FOR ADDITIONAL STAFF AT THE CENTER FOR MEDICAID AND STATE OPERATIONS.—

(1) ADDITIONAL STAFF.—The Secretary of Health and Human Services shall have the authority to hire 5 full-time employees to be employed within the Center for Medicaid and State Operations within the Centers for Medicare & Medicaid Services from among individuals who have experience with, or have been trained as, health professionals and who have experience in any of the following areas:

(A) Quality improvement.

(B) Chronic care management.

(C) Care coordination.

(2) REQUIREMENT FOE EXPERIENCE WITH PEDIATRIC POPULATIONS.—At least 1 of the individuals employed within the Center for Medicaid and State Operations pursuant to paragraph (1) shall have experience with pediatric populations.

(3) DUTIES OF ADDITIONAL STAFF.—The employees hired under paragraph (1) shall be responsible for developing strategies to access and promote quality improvement, chronic care management, and care coordination with the medicaid program and for providing technical assistance to the States.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) CMS STUDY AND REPORT ON MEDICARE AND MEDICAID DATA COORDINATION.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study to identify—

(A) efforts to coordinate and integrate data from the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act;

(B) barriers to data coordination;

(C) the potential benefits of data integration as perceived by medicare and medicaid program officials, policymakers, health care providers, and beneficiaries; and

(D) steps necessary to coordinate and integrate the beneficiary data from the medicare and medicaid programs.

(2) REPORT TO CONGRESS.—Not later than December 31, 2004, the Secretary of Health and Human Services shall submit to Congress a report on the results of the study conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

(c) MEDPAC STUDY AND REPORT ON BENEFICIARIES WHO ARE DUALLY ELIGIBLE FOR MEDICARE AND MEDICAID.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study to determine the characteristics of individuals who are eligible to receive benefits under both the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act, respectively, identify the costliest groups of individuals who are eligible for benefits under both programs, identify the services used by such individuals, and develop recommendations on how the provision of those services could be better coordinated for improved health outcomes and reduced costs.

(2) REPORT.—Not later than June 30, 2005, the Commission shall submit a report to Congress on the study conducted under paragraph (1) together with recommendations for such legislation and administrative actions as the Commission considers appropriate.

(d) MEDPAC STUDY AND REPORT ON CARE COORDINATION PROGRAMS FOR DUAL-ELIGIBLES.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on care coordination programs available to individuals who are eligible to receive benefits under both the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act, respectively, the impact of such care coordination programs on those individuals, the impact of such care coordination programs on the costs of the medicare and medicaid programs to the Federal Government, and whether any savings from care coordination programs are counted as a benefit to either program.

(2) REPORT.—Not later than June 30, 2005, the Commission shall submit a report to Congress on the study conducted under paragraph (1) together with recommendations for such legislation and administrative actions as the Commission considers appropriate.

SEC. 12. DEMONSTRATION PROGRAM FOR MEDICAL SMART CARDS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a 5-year demonstration program under which the Secretary shall award grants for the establishment of demonstration projects to provide for the development and use of Medical Smart Cards and to examine the impact of Medical Smart Cards on health care costs, quality of care, and patient safety.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall be a public or private nonprofit entity.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(d) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall approve applications for grants under this section in accordance with criteria established by the Secretary.

(2) LIMITATION.—The Secretary shall approve at least 1 application for a demonstration project that is conducted at a hospital or hospital system with a large rural service area.

(e) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to carry out the purposes described in subsection (a).

(f) REPORT.—Not later than 6 months after the date on which the demonstration program established under subsection (a) ends, the Secretary shall submit to Congress a report on the demonstration program together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

By Mr. KOHL (for himself and Mr. HATCH):

S. 2563. A bill to require imported explosives to be marked in the same manner as domestically manufactured explosives; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator HATCH to introduce the Imported Explosives Security Act. Domestic manufacturers are required to place identification markings on all explosive materials they produce for important security reasons. These markings enable law enforcement officers to determine the source of explosives and help them solve crimes. Yet, these same identifying markings are not required of those explosives manufactured overseas and imported into our country. This impedes law enforcement efforts and poses a security risk.

The legislation we have introduced today is simple and straightforward. The legislation would simply treat imported explosives just like those manufactured inside the United States, requiring all imported explosives to carry the same markings currently placed on domestic explosives. It would require the name of the manufacturer, along with the time, date and shift of manufacture, to be placed on all explosives materials, whether they are manufactured here or abroad. These markings can be a tremendously useful tool for law enforcement officials, enabling investigators to determine the source of explosive materials. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, the explosives can then be tracked through records kept by those who manufacture and sell them, often leading them to the criminal who has stolen or misused them. At a recent Senate hearing, FBI Director Mueller acknowledged that ''determining the source of the components to any explosive device will assist you in determining who was responsible for any act using such a device.''

The Bureau of Alcohol, Tobacco, Firearms and Explosives first sought to fill this gap in the law when it published a notice of a proposed rulemaking in November 2000. Now, nearly 4 years later, this rulemaking still has not been finalized. Each year, more than 25,000 pounds of stolen, lost, or abandoned explosives are recovered by law enforcement. When explosives do not carry appropriate markings, they

cannot be quickly and effectively traced for criminal enforcement purposes.

Millions of pounds of unmarked explosives have already been distributed in this country. Each day we delay closing this loophole, we let more untraceable explosive materials cross our borders and undermine our national security. Failure to address this very straightforward issue in a timely manner unnecessarily hinders law enforcement's ability to solve crimes. Because the Department of Justice has not issued regulations to close this loophole in a timely manner, it is now incumbent upon us to act for them.

By Mr. CRAPO (for himself, Mr. FITZGERALD, Mr. LUGAR, Mr. SMITH, Mr. WYDEN, Mr. CRAIG, and Mr. ROBERTS):

S. 2565. A bill to amend the Agriculture Adjustment Act to convert the dairy forward pricing program into a permanent program of the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, I rise to introduce the Milk Forward Contracting Act, a bill to make permanent the dairy forward pricing pilot program.

Without question, dairy producers are subject to a very fickle dairy market. Dairy prices can go from all time highs to all time lows over a course of a year, making long-term planning extremely difficult. This legislation will ensure the continued availability of an important risk management tool for dairy producers and enable their long-term business planning.

Over the pat 4 years, dairy producers and processors have been able to voluntarily enter into agreements for the sale of a specific volume of milk for a set price over an established period of time trough the dairy forward pricing pilot program. Many producers in my home State of Idaho and nationwide have used this voluntary program to reduce marketing risk by securing stable prices. Unfortunately, this program expires in December of 2004, and dairy producers want to be able to continue to utilize this program.

Forward contracting is a very useful tool for dairy farmers. In fact, a 2002 U.S. Department of Agriculture USDA report to Congress demonstrated that the program has been effective in reducing price volatility. According to USDA data for the September 2000 through December 2002 period, contracted milk averages $14.06 per hundredweight with a range of $1.63 between high and low prices, while noncontracted milk averaged $13.68 per hundredweight with a range of $6.69. Additionally, the U.S. General Accounting Office GAO reported that forward contracting is a risk management tool most frequently used by producers of other farm commodities.

Likewise, dairy producers should also have access to this important tool. There is no reason that dairy farmers should be forced to ride a dairy price roller coaster, when the extension of this sensible program would provide farm families with an option to help plan for their futures.

By Mr. BINGAMAN (for himself, Mr. CORZINE, Mr. LAUTENBERG, Ms. STABENOW, Mrs. CLINTON, Mr. JOHNSON, Ms. MIKULSKI, Mr. DURBIN, and Mr. DAYTON):

S. 2566. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation entitled ''Ending the Medicare Disability Waiting Period Act of 2004'' with Senators CORZINE, LAUTENBERG, STABENOW, CLINTON, JOHNSON, MIKULSKI, DURBIN, and DAYTON. This legislation would phase-out the current 2-year waiting period that people with disabilities must endure after qualifying for Social Security Disability Insurance (SSDI). In the interim, the bill would also create a process by which the Secretary can immediately waive the waiting period for people with life-threatening illnesses.

When Medicare was expanded in 1972 to include people with significant disabilities, lawmakers created the 24-month waiting period. According to a July 2003 report from the Commonwealth Fund, it is estimated that over 1.2 million SSDI beneficiaries are in the Medicare waiting period at any given time, ''all of whom are unable to work because of their disability and most of whom have serious health problems, low incomes, and limited access to health insurance.''

As Karen Davis, president of the Commonwealth Fund, said of the report, ''Individuals in the waiting period for Medicare suffer from a broad range of debilitating diseases and are in urgent need of appropriate medical care to manage their conditions. Eliminating the 2-year wait would ensure access to care for those already on the way to Medicare.''

These are people who are the most seriously disabled in our society and most in need of immediate health services. And yet, it is estimated that one-third of the 1.2 million currently federal policy puts the disabled on hold for 2 long years. The consequences are unacceptable and are, in fact, dire.

In fact, various studies show that death rates among SSDI recipients are highest during the first two years of enrollment. For example, the Commonwealth Fund report, entitled Elimination of Medicare's Waiting Period for Seriously Disabled Adults: Impact on Coverage and Costs, 4 percent of these people die during the waiting period. Of the estimated 400,000 uninsured disabled Americans in the waiting period at any given time, 16,000 of them will die awaiting Medicare coverage. This is unacceptable.

Moreover, this does not factor in the serious health problems that others experience while waiting for Medicare coverage during the 2-year period. Although there is no direct data on the profile of SSDI beneficiaries in the 2-year waiting period, the Commonwealth Fund has undertaken a separate analysis of the Medicare Current Beneficiary Survey for 1998 to get a good sense of the demographic characteristics, income, and health conditions of this group.

According to the analysis, ''. . . 45 percent of nonelderly Medicare beneficiaries with disabilities had incomes below the federal poverty line, and 77 percent had incomes below 200 percent of poverty. Fifth-nine percent reported that they were in fair or poor health; of this group, more than 90 percent reported that they suffered from one or more chronic illnesses, including arthritis (52%), hypertension (46%), mental disorder (36%), heart condition (35%), chronic lung disease (26%), cancer (20%), diabetes (19%), and stroke (12%).''

As the Medicare Rights Center has said, ''By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty, or death . . . Since disability can strike anyone, at any point in life, the 24-month waiting period should be of concern to everyone, not just the millions of Americans with disabilities today.''

Although elimination of the Medicare waiting period will certainly increase Medicare costs, it is important to note that there will be some corresponding decrease in Medicaid costs. Medicaid, which is financed by both federal and state governments, often provides coverage for a subset of disabled Americans in the waiting period, as long as they meet certain income and asset limits. Income limits are typically at or below the poverty level, including at just 74 percent of the poverty line in New Mexico, with assets generally limited to just $2,000 for individuals and $3,000 for couples.

The Commonwealth Fund estimates that, of the 1.26 million people in the waiting period, 40 percent are enrolled in Medicaid. As a result, the Commonwealth Fund estimates that federal Medicaid savings would offset nearly 30 percent of the increased costs in its study. Furthermore, states, which have been struggling financially with their Medicaid programs, would reap a windfall that would help them better manage their Medicaid programs.

Furthermore, from a continuity of care point of view, it makes little sense that somebody with disabilities must leave their job and their health providers associated with that plan, move on the Medicaid to often have a different set of providers, to then switch to Medicare and yet another set of providers.

And finally, private-sector employers and employees in those risk-pools

would also benefit from the passage of the bill. As the report notes, ''. . . to the extent that disabled adults rely on coverage through their prior employer or their spouse's employer, eliminating the waiting period would also produce savings to employers who provide this coverage.''

I urge passage of this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2566

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ending the Medicare Disability Waiting Period Act of 2004''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Phase out of waiting period for medicare disability benefits.
Sec. 3. Elimination of waiting period for individuals with life-threatening conditions.
Sec. 4. Institute of medicine study and report on delay and prevention of disability conditions.

SEC. 2. PHASE OUT OF WAITING PERIOD FOR MEDICARE DISABILITY BENEFITS.

(a) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

(1) in paragraph (2)(A), by striking '', and has for 24 calendar months been entitled to,'' and inserting '', and for the waiting period (as defined in subsection (k)) has been entitled to,'';

(2) in paragraph (2)(B), by striking '', and has been for not less than 24 months,'' and inserting '', and has been for the waiting period (as defined in subsection (k)),'';

(3) in paragraph (2)(C)(ii), by striking '', including the requirement that he has been entitled to the specified benefits for 24 months,'' and inserting '', including the requirement that the individual has been entitled to the specified benefits for the waiting period (as defined in subsection (k)),''; and

(4) in the flush matter following paragraph (2)(C)(ii)(II)—

(A) in the first sentence, by striking ''for each month beginning with the later of (I) July 1973 or (II) the twenty-fifth month of his entitlement or status as a qualified railroad retirement beneficiary described in paragraph (2), and'' and inserting ''for each month beginning after the waiting period (as so defined) for which the individual satisfies paragraph (2) and'';

(B) in the second sentence, by striking ''the 'twenty-fifth month of his entitlement' refers to the first month after the twenty-fourth month of entitlement to specified benefits referred to in paragraph (2)(C) and''; and

(C) in the third sentence, by striking '', but not in excess of 78 such months''.

(b) SCHEDULE FOR PHASE OUT OF WAITING PERIOD.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

''(k) For purposes of subsection (b) (and for purposes of section 1837(g)(1) of this Act and section 7(d)(2)(ii) of the Railroad Retirement Act of 1974), the term 'waiting period' means—

''(1) for 2005, 18 months;
''(2) for 2006, 16 months;
''(3) for 2007, 14 months;
''(4) for 2008, 12 months;
''(5) for 2009, 10 months;
''(6) for 2010, 8 months;
''(7) for 2011, 6 months;
''(8) for 2012, 4 months;
''(9) for 2013, 2 months; and
''(10) for 2014 and each subsequent year, 0 months.''.

(c) CONFORMING AMENDMENTS.—

(1) SUNSET.—Effective January 1, 2014, subsection (f) of section 226 of the Social Security Act (42 U.S.C. 426) is repealed.

(2) MEDICARE DESCRIPTION.—Section 1811(2) of such Act (42 U.S.C. 1395c(2)) is amended by striking ''entitled for not less than 24 months'' and inserting ''entitled for the waiting period (as defined in section 226(k))''.

(3) MEDICARE COVERAGE.—Section 1837(g)(1) of such Act (42 U.S.C. 1395p(g)(1)) is amended by striking ''of the later of (A) April 1973 or (B) the third month before the 25th month of such entitlement'' and inserting ''of the third month before the first month following the waiting period (as defined in section 226(k)) applicable under section 226(b)''.

(4) RAILROAD RETIREMENT SYSTEM.—Section 7(d)(2)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)(ii)) is amended—

(A) by striking '', for not less than 24 months'' and inserting '', for the waiting period (as defined in section 226(k) of the Social Security Act); and

(B) by striking ''could have been entitled for 24 calendar months, and'' and inserting ''could have been entitled for the waiting period (as defined is section 226(k) of the Social Security Act), and''.

(d) EFFECTIVE DATE.—Except as provided in subsection (c)(1), the amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act.

SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVIDUALS WITH LIFE-THREATENING CONDITIONS.

(a) IN GENERAL.—Section 226(h) of the Social Security Act (42 U.S.C. 426(h)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting ''(1)'' after ''(h)'';

(3) in paragraph (1) (as designated by paragraph (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting ''or any other life-threatening condition identified by the Secretary'' after ''amyotrophic lateral sclerosis (ALS)''; and

(4) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''(rather than twenty-fifth month)''; and

(5) by adding at the end the following new paragraph:

''(2) For purposes of identifying life-threatening conditions under paragraph (1), the Secretary shall compile a list of conditions that are fatal without medical treatment. In compiling such list, the Secretary shall consult with the Director of the National Institutes of Health (including the Office of Rare Diseases), the Director of the Centers for Disease Control and Prevention, the Director of the National Science Foundation, and the Institute of Medicine of the National Academy of Sciences.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act.

SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON DELAY AND PREVENTION OF DISABILITY CONDITIONS.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall request that the Institute of Medicine of the National Academy of Sciences conduct a study on the range of disability conditions that can be delayed or prevented if individuals receive access to health care services and coverage before the condition reaches disability levels.

(b) REPORT.—Not later than the date that is 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the Institute of Medicine study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000 for the period of fiscal years 2005 and 2006.

By Mrs. FEINSTEIN:

S. 2567. A bill to adjust the boundary of Redwood National Park in the State of California; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce companion legislation to H.R. 3638, a bill introduced by Congressman MIKE THOMPSON in November 2003. This bill will adjust the boundary of Redwood National Park in the State of California to include the addition of the Mill Creek property.

In 2002, the California Department of Parks and Recreation acquired from the Save-the-Redwoods League 25,500 acres of forest land known as the Mill Creek property in Del Norte County, which is contiguous with the Redwood National and State parks boundary. This bill would include within the park boundary the Mill Creek acquisition and about 900 acres of land acquired and added to the State redwood parks since the 1978 expansion of the Redwood National Park boundary. There would be no Federal costs for land acquisition or development resulting from this legislation.

These lands will be managed by the same cooperative management agreement between the National Park Service and the California Department of Parks and Recreation. This partnership is viewed as a model of interagency cooperative management efforts and will provide for more efficient and cost-effective management of an ecologically significant resource.

This bill enjoys strong support from local and Federal officials, including Del Norte County and the Department of the Interior. Given this support and lack of controversy, I believe introducing companion legislation to be of great importance to ensure that our Redwood National Park is further protected.

I have long held a deep interest in protecting California's magnificent Redwoods. The Headwaters Agreement that was negotiated in part in my offices in 1996 protected approximately 7,500 acres of old growth redwoods, which was the largest grove of redwoods held in private ownership at the time.

I applaud Congressman MIKE THOMPSON's commitment to this issue and hope that this bill receives strong bipartisan support.

I urge my colleagues to support this legislation.

By Mr. BIDEN:

S. 2568. A bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BIDEN. Mr. President, I rise today to introduce the Benjamin Franklin Commemorative Coin Act. This bill will authorize the U.S. Mint to produce a limited edition silver coin, in two designs, to honor the achievements of Benjamin Franklin, America's distinguished scientist, statesman, inventor and diplomat.

In 2006, the United States will host a worldwide celebration marking the 300th anniversary of Franklin's birth on January 17, 1706. Activities, lectures and exhibits are being developed through the efforts of the Benjamin Franklin Tercentenary Commission, as ordered by the Benjamin Franklin Tercentenary Commission Act, Public Law 107–202. The Commission, on which I serve with other elected officials and private sector partners, is responsible for providing a proper tribute to one of our most remarkable founding fathers. Surcharges on the sale of the coin would help the commission pay for activities it plans for celebrating Benjamin Franklin's birthday.

During the American Revolution, Franklin designed the first American coin—the ''Continental'' penny—and, until 1979, he was the only non-President of the United States whose image graced circulating coin and paper currency. it is only fitting that we honor Franklin's legacy through issuance of a commemorative coin.

This bill is the Senate companion to H.R. 3024, which was introduced by my colleague from Delaware, Congressman MIKE CASTLE, and it presently enjoys 326 cosponsors. As celebrations for our great leader are planned, I hope that my colleagues will join me in supporting a commemorative coin for this important American. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2568

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 ''Benjamin Franklin Commemorative Coin Act''.

SEC. 2. FINDINGS.

Congress finds that__

(1) Benjamin Franklin made historic contributions to the development of our Nation in a number of fields, including government, business, science, communications, and the arts;

(2) Benjamin Franklin was the only Founding Father to sign all of our Nation's organizational documents;

(3) Benjamin Franklin spent his career as a successful printer, which included printing the official currency for the colonies of Pennsylvania, Delaware, New Jersey and Maryland;

(4) Franklin's ''Essay on Paper Currency'' of 1741 proposed methods to fix the rate of exchange between the colonies and Great Britain;

(5) Benjamin Franklin, during the American Revolution, designed the first American coin, the ''Continental'' penny;

(6) Franklin made ''A Penny Saved is A Penny Earned'' a household phrase to describe the American virtues of hard work and economical living;

(7) Franklin played a major role in the design of the Great Seal of the United States, which appears on the $1 bill, and other major American symbols;

(8) Before 1979, Benjamin Franklin was the only non-president of the United States whose image graced circulating coin and paper currency;

(9) the official United States half dollar from 1948–1963 showed Franklin's portrait, as designed by John Sinnock;

(10) Franklin's ''Way to Wealth'' has come to symbolize America's commitment to free enterprise;

(11) the Franklin Institute Science Museum in Philadelphia (in this Act referred to as the ''Franklin Institute'') is a museum with an interactive approach to science and technology dedicated to the work of Benjamin Franklin;

(12) the Franklin Institute houses the first steam printing machine for coinage used by the United States Mint, which was placed in service in 1836, the 130th anniversary year of Franklin's birth;

(13) in 1976, Franklin Hall in the Franklin Institute was named the Official National Monument to the great patriot, scientist, and inventor;

(14) the Franklin Institute and 4 other major Benjamin Franklin-related Philadelphia cultural institutions joined hands in 2000 to organize international programs to commemorate the forthcoming 300th anniversary of Franklin's birth in 2006; and

(15) in 2002, Congress passed the Benjamin Franklin Tercentenary Commission Act (Public Law 107–202), creating a panel of distinguished Americans to work with the private sector in recommending appropriate Tercentenary programs, with the Franklin Institute serving as its administrative secretariat.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $1 SILVER COINS WITH YOUNGER FRANKLIN IMAGE ON OBVERSE.—Not more than 250,000 $1 coins bearing the designs specified in section 4(a)(2), each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(2) $1 SILVER COINS WITH OLDER FRANKLIN IMAGE ON OBVERSE.—Not more than 250,000 $1 coins bearing the designs specified in section 4(a)(3), each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) USE OF THE UNITED STATES MINT AT PHILADELPHIA, PENNSYLVANIA.—It is the sense of the Congress that the coins minted under this Act should be struck at the United States Mint at Philadelphia, Pennsylvania, to the greatest extent possible.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the life and legacy of Benjamin Franklin.

(2) $1 COINS WITH YOUNGER FRANKLIN IMAGE.—

(A) OBVERSE.—The obverse of the coins minted under section 3(a)(1) shall bear the image of Benjamin Franklin as a young man.

(B) REVERSE.—The reverse of the coins minted under section 3(a)(1) shall bear an image related to Benjamin Franklin's role as a patriot and a statesman.

(3) $1 COINS WITH OLDER FRANKLIN IMAGE.—

(A) OBVERSE.—The obverse of the coins minted under section 3(a)(2) shall bear the image of Benjamin Franklin as an older man.

(B) REVERSE.—The reverse of the coins minted under section 3(a)(2) shall bear an image related to Benjamin Franklin's role in developing the early coins and currency of the new country.

(4) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2006''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coin Advisory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2006, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2006.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SALES OF SINGLE COINS AND SETS OF COINS.—Coins of each design specified under section 4 may be sold separately or as a set containing a coin of each such design.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary

from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Franklin Institute, for purposes of the celebration of the Benjamin Franklin Tercentenary.

(c) AUDITS.—The Franklin Institute shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, for purposes of this Act.

By Ms. SNOWE:

S. 2569. A bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions; to the Committee on Commerce, Science, and Transportation.

Mr. SNOWE. Mr. President, I rise today to introduce the Junk Fax Prevention Act of 2004, a bill to strengthen our laws on protecting consumers and businesses from receiving unwanted commercial advertisements by facsimile, while at the same time preserving a key method of doing business for thousands of companies, large and small, across the United States. The sending of unsolicited commercial communications by facsimile—''junk faxes''—has been illegal since 1991, and the Federal Communications Commission is charged with enforcing that prohibition. Those who engage in ''blast faxes'' can and should be prosecuted to the full extent of the law, as their behavior imposes unreasonable expenses upon residential and business facsimile subscribers.

However, the FCC has long recognized an exception to this general ban on unsolicited faxes when the parties sending and receiving the fax have an established business relationship. Businesses of all shapes and sizes regularly conduct their transactions via facsimile, such as real estate agents, wholesalers and distributors, travel agents, and those in the convention industry. In our modern economy, companies that are often hundreds or thousands of miles away from each other do business together, often with the same or greater frequency as with those just up the street. And the reality of business is that sometimes you need to communicate in writing, and it needs to get there right away.

The established business relationship exemption recognized this reality, and ensured that government was not placing an undue hardship on business owners. Yet inexplicably, on June 26, 2003 the FCC issued a new rule that eliminated the established business relationship. Under this new rule—which is set to take effect on January 1, 2005—the sender of a fax would have to acquire, in writing, the permission of the recipient to receive an unsolicited fax before the fax could be sent, even if the recipient made a verbal request that the information be faxed.

As Chair of the Senate Small Business Committee, I can state that the business community has in unison called upon Congress to take action to rectify this situation. Industry groups estimate that it will cost businesses an average of $5,000 in the first year alone to comply with the new law, and as much as $3,000 each year thereafter in record-keeping costs. These numbers do not take into account the potential lost business that could easily result if a primary method of business-to-business communication is cut off. Quite simply, small businesses in particular will suffer significantly if these rules are allowed to take effect.

My bill will restore the established business relationship exemption, allowing standard business transactions to continue without inhibition. The term ''Established business relationship'' means the same thing in the Junk Fax Prevention Act as in the regulations governing the Federal Do-Not-Call Registry: it means that the fax subscriber either made an inquiry of the sender within the prior three months or a purchase from the sender within the prior 18 months.

The Junk Fax Prevention Act also strengthens the protections available to fax recipients by adding an opt-out provision that the current law does not have. Even if an established business relationship exists, a fax subscriber can still request to not receive unsolicited faxes. The senders of these faxes must, by law, honor these requests, and they must include a notification of this right on every fax they send.

As a strong supporter of consumer rights, I also want to assure my colleagues that this bill does not in any way place consumers at risk. Very few consumers own fax machines, and those who do are protected by the general ban on solicitation and the opt-out provision if they do have an existing business relationship. To ensure that the privacy of consumers and businesses is protected, my bill also provides for studies by both the General Accounting Office and the FCC to evaluate the effectiveness of enforcement.

Small businesses have weathered the storm of the economic downturn over the past several years. As our economy now climbs out of recession and people return back to work, American businesses—our nation's employers do not need these unnecessary economic restraints to further hinder their recovery. I call upon all of my colleagues to join me in bringing relief to American businesses and pass the Junk Fax Prevention Act.

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. 2569

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 ''Junk Fax Prevention Act of 2004''.

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) PROHIBITION.—Subparagraph (C) of section 227(b)(1) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

''(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement—

''(i) to a person who has made a request to such sender that complies with the requirements under paragraph (2)(D), not to send future unsolicited advertisements to a telephone facsimile machine; or

''(ii) to a person not described in clause (i), unless—

''(I) the sender has an established business relationship (which term, for purposes of this subclause, shall have the meaning given the term in section 64.1200 of the Commission's regulations, as in effect on January 1, 2003, except that such term shall apply to a business subscriber in the same manner in which it applies to a residential subscriber) with such person; and

''(II) the unsolicited advertisement contains a conspicuous notice on the first page of the unsolicited advertisement that—

''(aa) states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to such telephone facsimile machine and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under paragraph (2)(D) is unlawful;

''(bb) sets forth the requirements for a request under paragraph (2)(D); and

''(cc) includes a domestic contact telephone and facsimile number for the recipient to transmit such a request to the sender, neither of which may be a number for a pay-per-call service (as such term is defined in section 228(i)); any number supplied shall permit an individual or business to make a do-not-fax request during regular business hours; or''.

(b) REQUEST TO OPT-OUT OF FUTURE UNSOLICITED ADVERTISEMENTS.—Paragraph (2) of section 227(b) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

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

''(D) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

''(i) the request identifies the telephone number of the telephone facsimile machine to which the request relates;

''(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to paragraph (1)(C)(ii)(II)(cc) or by any other method of communication as determined by the Commission; and

''(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine; and

''(E) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association's tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(ii)(II), except that the Commission may take action under this subparagraph only by regulation issued after notice and opportunity for public comment

in accordance with section 553 of title 5, United States Code, and only if the Commission determines that such notice is not necessary to protect the right of the members of such trade associations to make a request to their trade associations not to send any future unsolicited advertisements.''.

(c) UNSOLICITED ADVERTISEMENT.—Paragraph (4) of section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)(4)) is amended by inserting '', in writing or otherwise'' before the period at the end.

(d) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U. S.C. 227) is amended by adding at the end the following new subsection:

''(g) JUNK FAX ENFORCEMENT REPORT.—The Commission shall submit a report to the Congress for each year regarding the enforcement of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which shall include the following information:

''(1) The number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission's rules.

''(2) The number of such complaints received during the year on which the Commission has taken action.

''(3) The number of such complaints that remain pending at the end of the year.

''(4) The number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines.

''(5) The number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines.

''(6) For each such notice—

''(A) the amount of the proposed forfeiture penalty involved;

''(B) the person to whom the notice was issued;

''(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

''(D) the status of the proceeding.

''(7) The number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines.

''(8) For each such forfeiture order—

''(A) the amount of the penalty imposed by the order;

''(B) the person to whom the order was issued;

''(C) whether the forfeiture penalty has been paid; and

''(D) the amount paid.

''(9) For each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter to the Attorney General for recovery of the penalty.

''(10) For each case in which the Commission referred such an order to the Attorney General—

''(A) the number of days from the date the Commission issued such order to the date of such referral;

''(B) whether the Attorney General has commenced an action to recover the penalty, and if so, the number of days from the date the Commission referred such order to the Attorney General to the date of such commencement; and

''(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.''.

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which shall determine—

(1) the number and nature of such complaints;

(2) the number of such complaints that result in final agency actions by the Commission;

(3) the length of time taken by the Commission in responding to such complaints;

(4) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(5) the level of enforcement success achieved by the Commission and the Attorney General regarding such complaints;

(6) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(7) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) ADDITIONAL ENFORCEMENT REMEDIES.—In conducting the analysis and making the recommendations required under paragraph (7) of subsection (a), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established by section 4 of the CAN–SPAM Act of 2003 (15 U.S.C. 7703) would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 389—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO PROSTATE CANCER INFORMATION

Mr. CAMPBELL (for himself, Mr. JOHNSON, Mr. BUNNING, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, Mr. BURNS, and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor and Pensions:

S. RES. 389

Whereas in 2004, it is estimated that approximately 230,000 new cases of prostate cancer will be diagnosed in the United States, and nearly 30,000 men in the United States will die from prostate cancer;

Whereas prostate cancer is the second leading cause of cancer death in men in the United States;

Whereas more than $4,700,000,000 is spent annually in the United States in direct treatment costs for prostate cancer;

Whereas African-American men are diagnosed with and die from prostate cancer more frequently than men of other ethnic backgrounds;

Whereas increased education among health care providers and patients regarding the need for prostate cancer screening tests has resulted in the diagnosis of approximately 86 percent of prostate cancer patients before the cancerous cells have spread appreciably beyond the prostate gland, thereby enhancing the odds of successful treatment;

Whereas the potential complication rates for significant side effects vary among the most common forms of treatment for prostate cancer;

Whereas prostate cancer often strikes elderly people in the United States, men should have an opportunity to learn about the benefits and limitations of testing for prostate cancer detection and of treatment of prostate cancer, so that they can make an informed decision with the assistance of a clinician; and

Whereas Congress as a whole, and Members of Congress as individuals, are in unique positions to support the fight against prostate cancer, to help raise public awareness about the need to make screening tests available to all people at risk for prostate cancer, and to provide prostate cancer patients with adequate information to assess the relative benefits and risks of treatment options: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) national and community organizations and health care providers have played a commendable role in supplying information concerning the importance of screening for prostate cancer and the treatment options for patients with prostate cancer; and

(2) the Federal Government and the States should ensure that health care providers supply prostate cancer patients with appropriate information and any other tools necessary for prostate cancer patients to receive readily understandable descriptions of the advantages, disadvantages, benefits, and risks of all medically efficacious screening and treatments for prostate cancer, including brachytherapy, hormonal treatments, external beam radiation, chemotherapy, surgery, and watchful waiting.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by my colleagues Senators JOHNSON, BUNNING, CHAMBLISS, LINDSEY GRAHAM, BURNS, and LINCOLN to submit legislation which would express the Sense of the Senate that physicians inform prostate cancer patients of all of their treatment options. The non-binding resolution which we are introducing stresses the importance of presenting all options to men diagnosed with prostate cancer.

Prostate cancer is the second leading cause of cancer death of men in this country and is particularly devastating for men over the age of 50. In 2004, it is estimated that approximately 230,000 new cases of prostate cancer will be diagnosed in the United States, and nearly 30,000 men will die from the disease. Clearly, the effort to raise public understanding about treatment options is crucial.

I believe that patients should be provided with accessible and comprehensive information about all available treatment options in an effort to enable them to select the therapy most appropriate for their unique conditions. Understanding both the cure rates and the quality of life implications of each approach is essential in making an educated decision.

Last week an identical resolution passed the House by a vote of 377–3. I urge my colleagues to support this legislation. Let's take an important step forward in the fight against prostate cancer.

SENATE RESOLUTION 390—DESIGNATING SEPTEMBER 9, 2004, AS ''NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS DAY''

Ms. MURKOWSKI (for herself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 390

Whereas the term ''fetal alcohol spectrum disorders'' has replaced fetal alcohol syndrome as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of mental retardation in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas the economic cost of fetal alcohol syndrome alone to the Nation was $5,400,000,000 in 2003 and that each individual with fetal alcohol syndrome will cost United States taxpayers between an estimated $1,500,000 and $3,000,000 in his or her lifetime;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, stated the purpose of the observance as: ''What if . . . a world full of FAS/E parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?''; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2004, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to—

(A) observe ''National Fetal Alcohol Spectrum Disorders Awareness Day'' with appropriate ceremonies to—

(i) promote awareness of the effects of prenatal exposure to alcohol;

(ii) increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) minimize further effects; and

(iv) ensure healthier communities across the United States; and

(B) observe a moment of reflection on the ninth hour of September 9, 2004, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

AMENDMENTS SUBMITTED & PROPOSED

SA 3474. Mr. CRAPO (for Mr. COCHRAN (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 2507, to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

SA 3475. Mr. WARNER (for Mr. GREGG) proposed an amendment to amendment SA 3400 proposed by Mr. FEINGOLD (for himself, Mrs. MURRAY, Mr. CORZINE, and Mr. DAYTON) to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

SA 3476. Mr. WARNER proposed an amendment to the bill S. 2400, supra.

SA 3477. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, supra.

SA 3478. Mr. WARNER proposed an amendment to the bill S. 2400, supra.

SA 3479. Mr. WARNER proposed an amendment to the bill S. 2400, supra.

SA 3480. Mr. WARNER proposed an amendment to the bill S. 2400, supra.

SA 3481. Mr. WARNER proposed an amendment to the bill S. 2400, supra.

SA 3482. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2400, supra.

SA 3483. Mr. LEVIN (for Mr. HOLLINGS) proposed an amendment to the bill S. 2400, supra.

SA 3484. Mr. WARNER proposed an amendment to the bill S. 2400, supra.

SA 3485. Mr. LEAHY (for himself, Mr. CORZINE, Mr. KENNEDY, Mr. SCHUMER, and Mr. DURBIN) proposed an amendment to amendment SA 3387 proposed by Mr. LEAHY to the bill S. 2400, supra.

TEXT OF AMENDMENTS

SA 3474. Mr. CRAPO (for Mr. COCHRAN (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 2507, to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Child Nutrition and WIC Reauthorization Act of 2004''.

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

Sec. 1. Short title; Table of contents.

TITLE I—AMENDMENTS TO RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

Sec. 101. Nutrition promotion.
Sec. 102. Nutrition requirements.
Sec. 103. Provision of information.
Sec. 104. Direct certification.
Sec. 105. Household applications.
Sec. 106. Duration of eligibility for free or reduced price meals.
Sec. 107. Runaway, homeless, and migrant youth.
Sec. 108. Certification by local educational agencies.
Sec. 109. Exclusion of military housing allowances.
Sec. 110. Waiver of requirement for weighted averages for nutrient analysis.
Sec. 111. Food safety.
Sec. 112. Purchases of locally produced foods.
Sec. 113. Special assistance.
Sec. 114. Food and nutrition projects integrated with elementary school curricula.
Sec. 115. Procurement training.
Sec. 116. Summer food service program for children.
Sec. 117. Commodity distribution program.
Sec. 118. Notice of irradiated food products.
Sec. 119. Child and adult care food program.
Sec. 120. Fresh fruit and vegetable program.
Sec. 121. Summer food service residential camp eligibility.
Sec. 122. Access to local foods and school gardens.
Sec. 123. Year-round services for eligible entities.
Sec. 124. Free lunch and breakfast eligibility.
Sec. 125. Training, technical assistance, and food service management institute.
Sec. 126. Administrative error reduction.
Sec. 127. Compliance and accountability.
Sec. 128. Information clearinghouse.
Sec. 129. Program evaluation.

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

Sec. 201. Severe need assistance.
Sec. 202. State administrative expenses.
Sec. 203. Special supplemental nutrition program for women, infants, and children.
Sec. 204. Local wellness policy.
Sec. 205. Team nutrition network.
Sec. 206. Review of best practices in the breakfast program.

TITLE III—COMMODITY DISTRIBUTION PROGRAMS

Sec. 301. Commodity distribution programs.

TITLE IV—MISCELLANEOUS

Sec. 401. Sense of Congress regarding efforts to prevent and reduce childhood obesity.

TITLE V—IMPLEMENTATION

Sec. 501. Guidance and regulations.
Sec. 502. Effective dates.

TITLE I—AMENDMENTS TO RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

SEC. 101. NUTRITION PROMOTION.

The Richard B. Russell National School Lunch Act is amended by inserting after section 4 (42 U.S.C. 1753) the following:

''SEC. 5. NUTRITION PROMOTION.

''(a) IN GENERAL.—Subject to the availability of funds made available under subsection (g), the Secretary shall make payments to State agencies for each fiscal year,

in accordance with this section, to promote nutrition in food service programs under this Act and the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(b) TOTAL AMOUNT FOR EACH FISCAL YEAR.—The total amount of funds available for a fiscal year for payments under this section shall equal not more than the product obtained by multiplying—

''(1) ½ cent; by

''(2) the number of lunches reimbursed through food service programs under this Act during the second preceding fiscal year in schools, institutions, and service institutions that participate in the food service programs.

''(c) PAYMENTS TO STATES.—

''(1) ALLOCATION.—Subject to paragraph (2), from the amount of funds available under subsection (g) for a fiscal year, the Secretary shall allocate to each State agency an amount equal to the greater of—

''(A) a uniform base amount established by the Secretary; or

''(B) an amount determined by the Secretary, based on the ratio that—

''(i) the number of lunches reimbursed through food service programs under this Act in schools, institutions, and service institutions in the State that participate in the food service programs; bears to

''(ii) the number of lunches reimbursed through the food service programs in schools, institutions, and service institutions in all States that participate in the food service programs.

''(2) REDUCTIONS.—The Secretary shall reduce allocations to State agencies qualifying for an allocation under paragraph (1)(B), in a manner determined by the Secretary, to the extent necessary to ensure that the total amount of funds allocated under paragraph (1) is not greater than the amount appropriated under subsection (g).

''(d) USE OF PAYMENTS.—

''(1) USE BY STATE AGENCIES.—A State agency may reserve, to support dissemination and use of nutrition messages and material developed by the Secretary, up to—

''(A) 5 percent of the payment received by the State for a fiscal year under subsection (c); or

''(B) in the case of a small State (as determined by the Secretary), a higher percentage (as determined by the Secretary) of the payment.

''(2) DISBURSEMENT TO SCHOOLS AND INSTITUTIONS.—Subject to paragraph (3), the State agency shall disburse any remaining amount of the payment to school food authorities and institutions participating in food service programs described in subsection (a) to disseminate and use nutrition messages and material developed by the Secretary.

''(3) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—In addition to any amounts reserved under paragraph (1), in the case of the summer food service program for children established under section 13, the State agency may—

''(A) retain a portion of the funds made available under subsection (c) (as determined by the Secretary); and

''(B) use the funds, in connection with the program, to disseminate and use nutrition messages and material developed by the Secretary.

''(e) DOCUMENTATION.—A State agency, school food authority, and institution receiving funds under this section shall maintain documentation of nutrition promotion activities conducted under this section.

''(f) REALLOCATION.—The Secretary may reallocate, to carry out this section, any amounts made available to carry out this section that are not obligated or expended, as determined by the Secretary.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''.

SEC. 102. NUTRITION REQUIREMENTS.

Section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) is amended by striking paragraph (2) and inserting the following:

''(2) FLUID MILK.—

''(A) IN GENERAL.—Lunches served by schools participating in the school lunch program under this Act—

''(i) shall offer students fluid milk in a variety of fat contents;

''(ii) may offer students flavored and unflavored fluid milk and lactose-free fluid milk; and

''(iii) shall provide a substitute for fluid milk for students whose disability restricts their diet, on receipt of a written statement from a licensed physician that identifies the disability that restricts the student's diet and that specifies the substitute for fluid milk.

''(B) SUBSTITUTES.—

''(i) STANDARDS FOR SUBSTITUTION.—A school may substitute for the fluid milk provided under subparagraph (A), a nondairy beverage that is nutritionally equivalent to fluid milk and meets nutritional standards established by the Secretary (which shall, among other requirements to be determined by the Secretary, include fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow's milk) for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability described in subparagraph (A)(iii).

''(ii) NOTICE.—The substitutions may be made if the school notifies the State agency that the school is implementing a variation allowed under this subparagraph, and if the substitution is requested by written statement of a medical authority or by a student's parent or legal guardian that identifies the medical or other special dietary need that restricts the student's diet, except that the school shall not be required to provide beverages other than beverages the school has identified as acceptable substitutes.

''(iii) EXCESS EXPENSES BORNE BY SCHOOL FOOD AUTHORITY.—Expenses incurred in providing substitutions under this subparagraph that are in excess of expenses covered by reimbursements under this Act shall be paid by the school food authority.

''(C) RESTRICTIONS ON SALE OF MILK PROHIBITED.—A school that participates in the school lunch program under this Act shall not directly or indirectly restrict the sale or marketing of fluid milk products by the school (or by a person approved by the school) at any time or any place—

''(i) on the school premises; or

''(ii) at any school-sponsored event.''.

SEC. 103. PROVISION OF INFORMATION.

Section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) is amended by adding at the end the following:

''(4) PROVISION OF INFORMATION.—

''(A) GUIDANCE.—Prior to the beginning of the school year beginning July 2004, the Secretary shall issue guidance to States and school food authorities to increase the consumption of foods and food ingredients that are recommended for increased serving consumption in the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

''(B) RULES.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall promulgate rules, based on the most recent Dietary Guidelines for Americans, that reflect specific recommendations, expressed in serving recommendations, for increased consumption of foods and food ingredients offered in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).''.

SEC. 104. DIRECT CERTIFICATION.

(a) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (9) through (13), respectively; and

(2) in paragraph (2)—

(A) in subparagraph (B)—

(i) by striking ''(B) Applications'' and inserting the following:

''(B) APPLICATIONS AND DESCRIPTIVE MATERIAL.—

''(i) IN GENERAL.—Applications'';

(ii) in the second sentence, by striking ''Such forms and descriptive material'' and inserting the following:

''(ii) INCOME ELIGIBILITY GUIDELINES.—Forms and descriptive material distributed in accordance with clause (i)''; and

(iii) by adding at the end the following:

''(iii) CONTENTS OF DESCRIPTIVE MATERIAL.—

''(I) IN GENERAL.—Descriptive material distributed in accordance with clause (i) shall contain a notification that—

''(aa) participants in the programs listed in subclause (II) may be eligible for free or reduced price meals; and

''(bb) documentation may be requested for verification of eligibility for free or reduced price meals.

''(II) PROGRAMS.—The programs referred to in subclause (I)(aa) are—

''(aa) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

''(bb) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

''(cc) the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)); and

''(dd) a State program funded under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).'';

(B) by striking ''(C)(i)'' and inserting ''(3)''; and

(C) by striking clause (ii) of subparagraph (C) (as it existed before the amendment made by subparagraph (B)) and all that follows through the end of subparagraph (D) and inserting the following:

''(4) DIRECT CERTIFICATION FOR CHILDREN IN FOOD STAMP HOUSEHOLDS.—

''(A) IN GENERAL.—Subject to subparagraph (D), each State agency shall enter into an agreement with the State agency conducting eligibility determinations for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

''(B) PROCEDURES.—Subject to paragraph (6), the agreement shall establish procedures under which a child who is a member of a household receiving assistance under the food stamp program shall be certified as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application.

''(C) CERTIFICATION.—Subject to paragraph (6), under the agreement, the local educational agency conducting eligibility determinations for a school lunch program under this Act and a school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall certify a child who

is a member of a household receiving assistance under the food stamp program as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application.

''(D) APPLICABILITY.—This paragraph applies to—

''(i) in the case of the school year beginning July 2006, a school district that had an enrollment of 25,000 students or more in the preceding school year;

''(ii) in the case of the school year beginning July 2007, a school district that had an enrollment of 10,000 students or more in the preceding school year; and

''(iii) in the case of the school year beginning July 2008 and each subsequent school year, each local educational agency.''.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as amended by subsection (a)) is amended by inserting after paragraph (4) the following:

''(5) DISCRETIONARY CERTIFICATION.—

''(A) IN GENERAL.—Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as—

''(i) a member of a family that is receiving assistance under the temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995;

''(ii) a homeless child or youth (defined as 1 of the individuals described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2));

''(iii) served by the runaway and homeless youth grant program established under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); or

''(iv) a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).''.

''(B) CHILDREN OF HOUSEHOLDS RECEIVING FOOD STAMPS.—Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as a member of a household that is receiving food stamps under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

''(6) USE OR DISCLOSURE OF INFORMATION.—

''(A) IN GENERAL.—The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in paragraph (3)(F), (4), or (5), shall be limited to—

''(i) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (including a regulation promulgated under either Act);

''(ii) a person directly connected with the administration or enforcement of—

''(I) a Federal education program;

''(II) a State health or education program administered by the State or local educational agency (other than a program carried out under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.)); or

''(III) a Federal, State, or local means-tested nutrition program with eligibility standards comparable to the school lunch program under this Act;

''(iii)(I) the Comptroller General of the United States for audit and examination authorized by any other provision of law; and

''(II) notwithstanding any other provision of law, a Federal, State, or local law enforcement official for the purpose of investigating an alleged violation of any program covered by this paragraph or paragraph (3)(F), (4), or (5);

''(iv) a person directly connected with the administration of the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or the State children's health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.) solely for the purposes of—

''(I) identifying children eligible for benefits under, and enrolling children in, those programs, except that this subclause shall apply only to the extent that the State and the local educational agency or school food authority so elect; and

''(II) verifying the eligibility of children for programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

''(v) a third party contractor described in paragraph (3)(G)(iv).

''(B) LIMITATION ON INFORMATION PROVIDED.—Information provided under clause (ii) or (v) of subparagraph (A) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits is made or for whom eligibility information is provided under paragraph (3)(F), (4), or (5), unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained.

''(C) CRIMINAL PENALTY.—A person described in subparagraph (A) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (including a regulation), any information obtained under this subsection shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

''(D) REQUIREMENTS FOR WAIVER OF CONFIDENTIALITY.—A State that elects to exercise the option described in subparagraph (A)(iv)(I) shall ensure that any local educational agency or school food authority acting in accordance with that option—

''(i) has a written agreement with 1 or more State or local agencies administering health programs for children under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.) that requires the health agencies to use the information obtained under subparagraph (A) to seek to enroll children in those health programs; and

''(ii)(I) notifies each household, the information of which shall be disclosed under subparagraph (A), that the information disclosed will be used only to enroll children in health programs referred to in subparagraph (A)(iv); and

''(II) provides each parent or guardian of a child in the household with an opportunity to elect not to have the information disclosed.

''(E) USE OF DISCLOSED INFORMATION.—A person to which information is disclosed under subparagraph (A)(iv)(I) shall use or disclose the information only as necessary for the purpose of enrolling children in health programs referred to in subparagraph (A)(iv).

''(7) FREE AND REDUCED PRICE POLICY STATEMENT.—

''(A) IN GENERAL.—After the initial submission, a local educational agency shall not be required to submit a free and reduced price policy statement to a State educational agency under this Act unless there is a substantive change in the free and reduced price policy of the local educational agency.

''(B) ROUTINE CHANGE.—A routine change in the policy of a local educational agency (such as an annual adjustment of the income eligibility guidelines for free and reduced price meals) shall not be sufficient cause for requiring the local educational agency to submit a policy statement.

''(8) COMMUNICATIONS.—

''(A) IN GENERAL.—Any communication with a household under this subsection or subsection (d) shall be in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.

''(B) ELECTRONIC AVAILABILITY.—In addition to the distribution of applications and descriptive material in paper form as provided for in this paragraph, the applications and material may be made available electronically via the Internet.''.

(2) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

''(u) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION.—

''(1) IN GENERAL.—Each State agency shall enter into an agreement with the State agency administering the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(2) CONTENTS.—The agreement shall establish procedures that ensure that—

''(A) any child receiving benefits under this Act shall be certified as eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application; and

''(B) each State agency shall cooperate in carrying out paragraphs (3)(F) and (4) of section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)).''.

(c) FUNDING.—

(1) IN GENERAL.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to assist States in carrying out the amendments contained in this section and the provisions of section 9(b)(3) of the Richard B. Russell National School Lunch Act (as amended by section 105(a)) $9,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to assist States in carrying out the amendments made by this section and the provisions of section 9(b)(3) of the Richard B. Russell National School Lunch Act (as amended by section 105(a)) the funds transferred under paragraph (1), without further appropriation.

(d) CONFORMING AMENDMENTS.—

(1) Effective July 1, 2008, paragraph (5) of section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as added by subsection (b)(1)) is amended—

(A) by striking subparagraph (B);

(B) by striking ''CERTIFICATION.—'' and all that follows through ''IN GENERAL.—'' and inserting ''CERTIFICATION.—''; and

(C) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and indenting appropriately.

(2) Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) (as amended by subsection (a)(1)) is amended—

(A) in subsection (b)(12)(B), by striking ''paragraph (2)(C)'' and inserting ''this subsection''; and

(B) in the second sentence of subsection (d)(1), by striking ''subsection (b)(2)(C)'' and inserting ''subsection (b)(3)(G)''.

(3) Section 11(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(e)) is amended in the first sentence by striking ''section 9(b)(3)'' and inserting ''section 9(b)(9)''.

SEC. 105. HOUSEHOLD APPLICATIONS.

(a) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as amended by section 104(a)(2)(B)) is amended by striking paragraph (3) and inserting the following:

''(3) HOUSEHOLD APPLICATIONS.—

''(A) DEFINITION OF HOUSEHOLD APPLICATION.—In this paragraph, the term 'household application' means an application for a child of a household to receive free or reduced price school lunches under this Act, or free or reduced price school breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), for which an eligibility determination is made other than under paragraph (4) or (5).

''(B) ELIGIBILITY DETERMINATION.—

''(i) IN GENERAL.—An eligibility determination shall be made on the basis of a complete household application executed by an adult member of the household or in accordance with guidance issued by the Secretary.

''(ii) ELECTRONIC SIGNATURES AND APPLICATIONS.—A household application may be executed using an electronic signature if—

''(I) the application is submitted electronically; and

''(II) the electronic application filing system meets confidentiality standards established by the Secretary.

''(C) CHILDREN IN HOUSEHOLD.—

''(i) IN GENERAL.—The household application shall identify the names of each child in the household for whom meal benefits are requested.

''(ii) SEPARATE APPLICATIONS.—A State educational agency or local educational agency may not request a separate application for each child in the household that attends schools under the same local educational agency.

''(D) VERIFICATION OF SAMPLE.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) ERROR PRONE APPLICATION.—The term 'error prone application' means an approved household application that—

''(aa) indicates monthly income that is within $100, or an annual income that is within $1,200, of the income eligibility limitation for free or reduced price meals; or

''(bb) in lieu of the criteria established under item (aa), meets criteria established by the Secretary.

''(II) NON-RESPONSE RATE.—The term 'nonresponse rate' means (in accordance with guidelines established by the Secretary) the percentage of approved household applications for which verification information has not been obtained by a local educational agency after attempted verification under subparagraphs (F) and (G).

''(ii) VERIFICATION OF SAMPLE.—Each school year, a local educational agency shall verify eligibility of the children in a sample of household applications approved for the school year by the local educational agency, as determined by the Secretary in accordance with this subsection.

''(iii) SAMPLE SIZE.—Except as otherwise provided in this paragraph, the sample for a local educational agency for a school year shall equal the lesser of—

''(I) 3 percent of all applications approved by the local educational agency for the school year, as of October 1 of the school year, selected from error prone applications; or

''(II) 3,000 error prone applications approved by the local educational agency for the school year, as of October 1 of the school year.

''(iv) ALTERNATIVE SAMPLE SIZE.—

''(I) IN GENERAL.—If the conditions described in subclause (IV) are met, the verification sample size for a local educational agency shall be the sample size described in subclause (II) or (III), as determined by the local educational agency.

''(II) 3,000/3 PERCENT OPTION.—The sample size described in this subclause shall be the lesser of 3,000, or 3 percent of, applications selected at random from applications approved by the local educational agency for the school year, as of October 1 of the school year.

''(III) 1,000/1 PERCENT PLUS OPTION.—

''(aa) IN GENERAL.—The sample size described in this subclause shall be the sum of—

''(AA) the lesser of 1,000, or 1 percent of, all applications approved by the local educational agency for the school year, as of October 1 of the school year, selected from error prone applications; and

''(BB) the lesser of 500, or ½ of 1 percent of, applications approved by the local educational agency for the school year, as of October 1 of the school year, that provide a case number (in lieu of income information) showing participation in a program described in item (bb) selected from those approved applications that provide a case number (in lieu of income information) verifying the participation.

''(bb) PROGRAMS.—The programs described in this item are—

''(AA) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

''(BB) the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)); and

''(CC) a State program funded under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995.

''(IV) CONDITIONS.—The conditions referred to in subclause (I) shall be met for a local educational agency for a school year if—

''(aa) the nonresponse rate for the local educational agency for the preceding school year is less than 20 percent; or

''(bb) the local educational agency has more than 20,000 children approved by application by the local educational agency as eligible for free or reduced price meals for the school year, as of October 1 of the school year, and—

''(AA) the nonresponse rate for the preceding school year is at least 10 percent below the nonresponse rate for the second preceding school year; or

''(BB) in the case of the school year beginning July 2005, the local educational agency attempts to verify all approved household applications selected for verification through use of public agency records from at least 2 of the programs or sources of information described in subparagraph (F)(i).

''(v) ADDITIONAL SELECTED APPLICATIONS.—A sample for a local educational agency for a school year under clauses (iii) and (iv)(III)(AA) shall include the number of additional randomly selected approved household applications that are required to comply with the sample size requirements in those clauses.

''(E) PRELIMINARY REVIEW.—

''(i) REVIEW FOR ACCURACY.—

''(I) IN GENERAL.—Prior to conducting any other verification activity for approved household applications selected for verification, the local educational agency shall ensure that the initial eligibility determination for each approved household application is reviewed for accuracy by an individual other than the individual making the initial eligibility determination, unless otherwise determined by the Secretary.

''(II) WAIVER.—The requirements of subclause (I) shall be waived for a local educational agency if the local educational agency is using a technology-based solution that demonstrates a high level of accuracy, to the satisfaction of the Secretary, in processing an initial eligibility determination in accordance with the income eligibility guidelines of the school lunch program.

''(ii) CORRECT ELIGIBILITY DETERMINATION.—If the review indicates that the initial eligibility determination is correct, the local educational agency shall verify the approved household application.

''(iii) INCORRECT ELIGIBILITY DETERMINATION.—If the review indicates that the initial eligibility determination is incorrect, the local educational agency shall (as determined by the Secretary)—

''(I) correct the eligibility status of the household;

''(II) notify the household of the change;

''(III) in any case in which the review indicates that the household is not eligible for free or reduced-price meals, notify the household of the reason for the ineligibility and that the household may reapply with income documentation for free or reduced-price meals; and

''(IV) in any case in which the review indicates that the household is eligible for free or reduced-price meals, verify the approved household application.

''(F) DIRECT VERIFICATION.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), to verify eligibility for free or reduced price meals for approved household applications selected for verification, the local educational agency may (in accordance with criteria established by the Secretary) first obtain and use income and program participation information from a public agency administering—

''(I) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

''(II) the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b));

''(III) the temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(IV) the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); or

''(V) a similar income-tested program or other source of information, as determined by the Secretary.

''(ii) FREE MEALS.—Public agency records that may be obtained and used under clause (i) to verify eligibility for free meals for approved household applications selected for verification shall include the most recent available information (other than information reflecting program participation or income before the 180-day period ending on the date of application for free meals) that is relied on to administer—

''(I) a program or source of information described in clause (i) (other than clause (i)(IV)); or

''(II) the State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in—

''(aa) a State in which the income eligibility limit applied under section 1902(l)(2)(C) of that Act (42 U.S.C. 1396a(*l*)(2)(C)) is not more than 133 percent of the official poverty

line described in section 1902(l)(2)(A) of that Act (42 U.S.C. 1396a(*l*)(2)(A)); or

''(bb) a State that otherwise identifies households that have income that is not more than 133 percent of the official poverty line described in section 1902(l)(2)(A) of that Act (42 U.S.C. 1396a(*l*)(2)(A)).

''(iii) REDUCED PRICE MEALS.—Public agency records that may be obtained and used under clause (i) to verify eligibility for reduced price meals for approved household applications selected for verification shall include the most recent available information (other than information reflecting program participation or income before the 180-day period ending on the date of application for reduced price meals) that is relied on to administer—

''(I) a program or source of information described in clause (i) (other than clause (i)(IV)); or

''(II) the State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in—

''(aa) a State in which the income eligibility limit applied under section 1902(l)(2)(C) of that Act (42 U.S.C. 1396a(*l*)(2)(C)) is not more than 185 percent of the official poverty line described in section 1902(l)(2)(A) of that Act (42 U.S.C. 1396a(*l*)(2)(A)); or

''(bb) a State that otherwise identifies households that have income that is not more than 185 percent of the official poverty line described in section 1902(l)(2)(A) of that Act (42 U.S.C. 1396a(*l*)(2)(A)).

''(iv) EVALUATION.—Not later than 3 years after the date of enactment of this subparagraph, the Secretary shall complete an evaluation of—

''(I) the effectiveness of direct verification carried out under this subparagraph in decreasing the portion of the verification sample that must be verified under subparagraph (G) while ensuring that adequate verification information is obtained; and

''(II) the feasibility of direct verification by State agencies and local educational agencies.

''(v) EXPANDED USE OF DIRECT VERIFICATION.—If the Secretary determines that direct verification significantly decreases the portion of the verification sample that must be verified under subparagraph (G), while ensuring that adequate verification information is obtained, and can be conducted by most State agencies and local educational agencies, the Secretary may require a State agency or local educational agency to implement direct verification through 1 or more of the programs described in clause (i), as determined by the Secretary, unless the State agency or local educational agency demonstrates (under criteria established by the Secretary) that the State agency or local educational agency lacks the capacity to conduct, or is unable to implement, direct verification.

''(G) HOUSEHOLD VERIFICATION.—

''(i) IN GENERAL.—If an approved household application is not verified through the use of public agency records, a local educational agency shall provide to the household written notice that—

''(I) the approved household application has been selected for verification; and

''(II) the household is required to submit verification information to confirm eligibility for free or reduced price meals.

''(ii) PHONE NUMBER.—The written notice in clause (i) shall include a toll-free phone number that parents and legal guardians in households selected for verification can call for assistance with the verification process.

''(iii) FOLLOWUP ACTIVITIES.—If a household does not respond to a verification request, a local educational agency shall make at least 1 attempt to obtain the necessary verification from the household in accordance with guidelines and regulations promulgated by the Secretary.

''(iv) CONTRACT AUTHORITY FOR SCHOOL FOOD AUTHORITIES.—A local educational agency may contract (under standards established by the Secretary) with a third party to assist the local educational agency in carrying out clause (iii).

''(H) VERIFICATION DEADLINE.—

''(i) GENERAL DEADLINE.—

''(I) IN GENERAL.—Subject to subclause (II), not later than November 15 of each school year, a local educational agency shall complete the verification activities required for the school year (including followup activities).

''(II) EXTENSION.—Under criteria established by the Secretary, a State may extend the deadline established under subclause (I) for a school year for a local educational agency to December 15 of the school year.

''(ii) ELIGIBILITY CHANGES.—Based on the verification activities, the local educational agency shall make appropriate modifications to the eligibility determinations made for household applications in accordance with criteria established by the Secretary.

''(I) LOCAL CONDITIONS.—In the case of a natural disaster, civil disorder, strike, or other local condition (as determined by the Secretary), the Secretary may substitute alternatives for—

''(i) the sample size and sample selection criteria established under subparagraph (D); and

''(ii) the verification deadline established under subparagraph (H).

''(J) INDIVIDUAL REVIEW.—In accordance with criteria established by the Secretary, the local educational agency may, on individual review—

''(i) decline to verify no more than 5 percent of approved household applications selected under subparagraph (D); and

''(ii) replace the approved household applications with other approved household applications to be verified.

''(K) FEASIBILITY STUDY.—

''(i) IN GENERAL.—The Secretary shall conduct a study of the feasibility of using computer technology (including data mining) to reduce—

''(I) overcertification errors in the school lunch program under this Act;

''(II) waste, fraud, and abuse in connection with this paragraph; and

''(III) errors, waste, fraud, and abuse in other nutrition programs, as determined to be appropriate by the Secretary.

''(ii) REPORT.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing—

''(I) the results of the feasibility study conducted under this subsection;

''(II) how a computer system using technology described in clause (i) could be implemented;

''(III) a plan for implementation; and

''(IV) proposed legislation, if necessary, to implement the system.''.

(b) CONFORMING AMENDMENTS.—Section 1902(a)(7) of the Social Security Act (42 U.S.C. 1396a(a)(7)) is amended—

(1) by striking ''connected with the'' and inserting ''connected with—

''(A) the'';

(2) by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(B) at State option, the exchange of information necessary to verify the certification of eligibility of children for free or reduced price breakfasts under the Child Nutrition Act of 1966 and free or reduced price lunches under the Richard B. Russell National School Lunch Act, in accordance with section 9(b) of that Act, using data standards and formats established by the State agency;''.

(c) EVALUATION FUNDING.—

(1) IN GENERAL.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to conduct the evaluation required by section 9(b)(3)(F)(iv) of the Richard B. Russell National School Lunch Act (as amended by subsection (a)) $2,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Agriculture shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 106. DURATION OF ELIGIBILITY FOR FREE OR REDUCED PRICE MEALS.

Paragraph (9) of section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C.1758(b)) (as redesignated by section 104(a)(1)) is amended—

(1) by striking ''(9) Any'' and inserting the following:

''(9) ELIGIBILITY FOR FREE AND REDUCED PRICE LUNCHES.—

''(A) FREE LUNCHES.—Any'';

(2) by striking ''Any'' in the second sentence and inserting the following:

''(B) REDUCED PRICE LUNCHES.—

''(i) IN GENERAL.—Any'';

(3) by striking ''The'' in the last sentence and inserting the following:

''(ii) MAXIMUM PRICE.—The''; and

(4) by adding at the end the following:

''(C) DURATION.—Except as otherwise specified in paragraph (3)(E), (3)(H)(ii), and section 11(a), eligibility for free or reduced price meals for any school year shall remain in effect—

''(i) beginning on the date of eligibility approval for the current school year; and

''(ii) ending on a date during the subsequent school year determined by the Secretary.''.

SEC. 107. RUNAWAY, HOMELESS, AND MIGRANT YOUTH.

(a) CATEGORICAL ELIGIBILITY FOR FREE LUNCHES AND BREAKFASTS.—Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (as redesignated by section 104(a)(1) of this Act) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(iv) a homeless child or youth (defined as 1 of the individuals described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2));

''(v) served by the runaway and homeless youth grant program established under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); or

''(vi) a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).''.

(b) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) is amended—

(1) in subparagraph (B), by striking ''or'';

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by inserting after subparagraph (C) the following:

''(D) documentation has been provided to the appropriate local educational agency showing that the child meets the criteria specified in clauses (iv) or (v) of subsection (b)(12)(A); or

''(E) documentation has been provided to the appropriate local educational agency

showing the status of the child as a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).''.

SEC. 108. CERTIFICATION BY LOCAL EDUCATIONAL AGENCIES.

(a) CERTIFICATION BY LOCAL EDUCATIONAL AGENCY.—Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended—

(1) in the second sentence of subsection (b)(11) (as redesignated by section 104(a)(1)), by striking ''Local school authorities'' and inserting ''Local educational agencies''; and

(2) in subsection (d)(2)—

(A) by striking ''local school food authority'' each place it appears and inserting ''local educational agency''; and

(B) in subparagraph (A), by striking ''such authority'' and inserting ''the local educational agency''.

(b) DEFINITION OF LOCAL EDUCATIONAL AGENCY.—Section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)) is amended—

(1) by redesignating paragraph (8) as paragraph (3) and moving the paragraph to appear after paragraph (2);

(2) by redesignating paragraphs (3) through (7) (as those paragraphs existed before the amendment made by paragraph (1)) as paragraphs (5) through (9), respectively; and

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

''(4) LOCAL EDUCATIONAL AGENCY.—

''(A) IN GENERAL.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(B) INCLUSION.—The term 'local educational agency' includes, in the case of a private nonprofit school, an appropriate entity determined by the Secretary.''.

(c) SCHOOL BREAKFAST PROGRAM.—Section 4(b)(1)(E)) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(1)(E)) is amended by striking ''school food authority'' each place it appears and inserting ''local educational agency''.

SEC. 109. EXCLUSION OF MILITARY HOUSING ALLOWANCES.

Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as amended by section 104(a)(1)) is amended in paragraph (13) by striking ''For each of fiscal years 2002 and 2003 and through June 30, 2004, the'' and inserting ''The''.

SEC. 110. WAIVER OF REQUIREMENT FOR WEIGHTED AVERAGES FOR NUTRIENT ANALYSIS.

Section 9(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(5)) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2009''.

SEC. 111. FOOD SAFETY.

Section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)) is amended—

(1) in the subsection heading, by striking ''INSPECTIONS'';

(2) in paragraph (1)—

(A) by striking ''Except as provided in paragraph (2), a'' and inserting ''A'';

(B) by striking ''shall, at least once'' and inserting: ''shall—

''(A) at least twice'';

(C) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(B) post in a publicly visible location a report on the most recent inspection conducted under subparagraph (A); and

''(C) on request, provide a copy of the report to a member of the public.''; and

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

''(2) STATE AND LOCAL GOVERNMENT INSPECTIONS.—Nothing in paragraph (1) prevents any State or local government from adopting or enforcing any requirement for more frequent food safety inspections of schools.

''(3) AUDITS AND REPORTS BY STATES.—For each of fiscal years 2006 through 2009, each State shall annually—

''(A) audit food safety inspections of schools conducted under paragraphs (1) and (2); and

''(B) submit to the Secretary a report of the results of the audit.

''(4) AUDIT BY THE SECRETARY.—For each of fiscal years 2006 through 2009, the Secretary shall annually audit State reports of food safety inspections of schools submitted under paragraph (3).

''(5) SCHOOL FOOD SAFETY PROGRAM.—Each school food authority shall implement a school food safety program, in the preparation and service of each meal served to children, that complies with any hazard analysis and critical control point system established by the Secretary.''.

SEC. 112. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)(2)(A)) is amended by striking ''2007'' and inserting ''2009''.

SEC. 113. SPECIAL ASSISTANCE.

Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by inserting ''or school district'' after ''school'' each place it appears in subparagraphs (C) through (E) (other than as part of ''school year'', ''school years'', ''school lunch'', ''school breakfast'', and ''4-school-year period'').

SEC. 114. FOOD AND NUTRITION PROJECTS INTEGRATED WITH ELEMENTARY SCHOOL CURRICULA.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (m).

SEC. 115. PROCUREMENT TRAINING.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 114) is amended by inserting after subsection (l) the following:

''(m) PROCUREMENT TRAINING.—

''(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (4), the Secretary shall provide technical assistance and training to States, State agencies, schools, and school food authorities in the procurement of goods and services for programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (other than section 17 of that Act (42 U.S.C. 1786)).

''(2) BUY AMERICAN TRAINING.—Activities carried out under paragraph (1) shall include technical assistance and training to ensure compliance with subsection (n).

''(3) PROCURING SAFE FOODS.—Activities carried out under paragraph (1) shall include technical assistance and training on procuring safe foods, including the use of model specifications for procuring safe foods.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2005 through 2009, to remain available until expended.''.

SEC. 116. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) SEAMLESS SUMMER OPTION.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended by adding at the end the following:

''(8) SEAMLESS SUMMER OPTION.—Except as otherwise determined by the Secretary, a service institution that is a public or private nonprofit school food authority may provide summer or school vacation food service in accordance with applicable provisions of law governing the school lunch program established under this Act or the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).''.

(b) SEAMLESS SUMMER REIMBURSEMENTS.—Section 13(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)) is amended by adding at the end the following:

''(D) SEAMLESS SUMMER REIMBURSEMENTS.—A service institution described in subsection (a)(8) shall be reimbursed for meals and meal supplements in accordance with the applicable provisions under this Act (other than subparagraphs (A), (B), and (C) of this paragraph and paragraph (4)) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), as determined by the Secretary.''.

(c) SUMMER FOOD SERVICE ELIGIBILITY CRITERIA.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) (as amended by subsection (a)) is amended by adding at the end the following—

''(9) EXEMPTION.—

''(A) IN GENERAL.—For each of calendar years 2005 and 2006 in rural areas of the State of Pennsylvania (as determined by the Secretary), the threshold for determining 'areas in which poor economic conditions exist' under paragraph (1)(C) shall be 40 percent.

''(B) EVALUATION.—

''(i) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall evaluate the impact of the eligibility criteria described in subparagraph (A) as compared to the eligibility criteria described in paragraph (1)(C).

''(ii) IMPACT.—The evaluation shall assess the impact of the threshold in subparagraph (A) on—

''(I) the number of sponsors offering meals through the summer food service program;

''(II) the number of sites offering meals through the summer food service program;

''(III) the geographic location of the sites;

''(IV) services provided to eligible children; and

''(V) other factors determined by the Secretary.

''(iii) REPORT.—Not later than January 1, 2008, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this subparagraph.

''(iv) FUNDING.—

''(I) IN GENERAL.—On January 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subparagraph $400,000, to remain available until expended.

''(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subparagraph the funds transferred under subclause (I), without further appropriation.''.

(d) SUMMER FOOD SERVICE RURAL TRANSPORTATION.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) (as amended by subsection (c)) is amended by adding at the end the following:

''(10) SUMMER FOOD SERVICE RURAL TRANSPORTATION.—

''(A) IN GENERAL.—The Secretary shall provide grants, through not more than 5 eligible State agencies selected by the Secretary, to not more than 60 eligible service institutions selected by the Secretary to increase participation at congregate feeding sites in the summer food service program for children authorized by this section through innovative approaches to limited transportation in rural areas.

''(B) ELIGIBILITY.—To be eligible to receive a grant under this paragraph—

''(i) a State agency shall submit an application to the Secretary, in such manner as the Secretary shall establish, and meet criteria established by the Secretary; and

''(ii) a service institution shall agree to the terms and conditions of the grant, as established by the Secretary.

''(C) DURATION.—A service institution that receives a grant under this paragraph may use the grant funds during the 3-fiscal year period beginning in fiscal year 2005.

''(D) REPORTS.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

''(i) not later than January 1, 2007, an interim report that describes—

''(I) the use of funds made available under this paragraph; and

''(II) any progress made by using funds from each grant provided under this paragraph; and

''(ii) not later than January 1, 2008, a final report that describes—

''(I) the use of funds made available under this paragraph;

''(II) any progress made by using funds from each grant provided under this paragraph;

''(III) the impact of this paragraph on participation in the summer food service program for children authorized by this section; and

''(IV) any recommendations by the Secretary concerning the activities of the service institutions receiving grants under this paragraph.

''(E) FUNDING.—

''(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this paragraph—

''(I) on October 1, 2005, $2,000,000; and

''(II) on October 1, 2006, and October 1, 2007, $1,000,000.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

''(iii) AVAILABILITY OF FUNDS.—Funds transferred under clause (i) shall remain available until expended.

''(iv) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this paragraph that are not obligated or expended, as determined by the Secretary.''.

(e) REAUTHORIZATION.—Section 13(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking ''June 30, 2004'' and inserting ''September 30, 2009''.

(f) SIMPLIFIED SUMMER FOOD PROGRAMS.—

(1) DEFINITION OF ELIGIBLE STATE.—Section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking paragraph (1) and inserting the following:

''(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means—

''(A) a State participating in the program under this subsection as of May 1, 2004; and

''(B) a State in which (based on data available in April 2004)—

''(i) the percentage obtained by dividing—

''(I) the sum of—

''(aa) the average daily number of children attending the summer food service program in the State in July 2003; and

''(bb) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in July 2003; by

''(II) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in March 2003; is less than

''(ii) 66.67 percent of the percentage obtained by dividing—

''(I) the sum of—

''(aa) the average daily number of children attending the summer food service program in all States in July 2003; and

''(bb) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in July 2003; by

''(II) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in March 2003.''.

(2) DURATION.—Section 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(2)) is amended by striking ''During the period beginning October 1, 2000, and ending June 30, 2004, the'' and inserting ''The''.

(3) PRIVATE NONPROFIT ORGANIZATIONS.—Section 18(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(3)) is amended in subparagraphs (A) and (B) by striking ''(other than a service institution described in section 13(a)(7))'' both places it appears.

(4) REPORT.—Section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking paragraph (6) and inserting the following:

''(6) REPORT.—Not later than April 30, 2007, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

''(A) the evaluations completed by the Secretary under paragraph (5); and

''(B) any recommendations of the Secretary concerning the programs.''.

(5) CONFORMING AMENDMENTS.—Section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended—

(A) by striking the subsection heading and inserting the following:

''(f) SIMPLIFIED SUMMER FOOD PROGRAMS.—'';

(B) in paragraph (2)—

(i) by striking the paragraph heading and inserting the following:

''(2) PROGRAMS.—''; and

(ii) by striking ''pilot project'' and inserting ''program'';

(C) in subparagraph (A) and (B) of paragraph (3), by striking ''pilot project'' both places it appears and inserting ''program''; and

(D) in paragraph (5)—

(i) in the paragraph heading by striking ''PILOT PROJECTS'' and inserting ''PROGRAMS''; and

(ii) by striking ''pilot project'' each place it appears and inserting ''program''.

SEC. 117. COMMODITY DISTRIBUTION PROGRAM.

Section 14(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking '', during the period beginning July 1, 1974, and ending June 30, 2004,''.

SEC. 118. NOTICE OF IRRADIATED FOOD PRODUCTS.

Section 14 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a) is amended by adding at the end the following:

''(h) NOTICE OF IRRADIATED FOOD PRODUCTS.—

''(1) IN GENERAL.—The Secretary shall develop a policy and establish procedures for the purchase and distribution of irradiated food products in school meals programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(2) MINIMUM REQUIREMENTS.—The policy and procedures shall ensure, at a minimum, that—

''(A) irradiated food products are made available only at the request of States and school food authorities;

''(B) reimbursements to schools for irradiated food products are equal to reimbursements to schools for food products that are not irradiated;

''(C) States and school food authorities are provided factual information on the science and evidence regarding irradiation technology, including—

''(i) notice that irradiation is not a substitute for safe food handling techniques; and

''(ii) any other similar information determined by the Secretary to be necessary to promote food safety in school meals programs;

''(D) States and school food authorities are provided model procedures for providing to school food authorities, parents, and students—

''(i) factual information on the science and evidence regarding irradiation technology; and

''(ii) any other similar information determined by the Secretary to be necessary to promote food safety in school meals;

''(E) irradiated food products distributed to the Federal school meals program under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are labeled with a symbol or other printed notice that—

''(i) indicates that the product was irradiated; and

''(ii) is prominently displayed in a clear and understandable format on the container;

''(F) irradiated food products are not commingled in containers with food products that are not irradiated; and

''(G) schools that offer irradiated food products are encouraged to offer alternatives to irradiated food products as part of the meal plan used by the schools.''.

SEC. 119. CHILD AND ADULT CARE FOOD PROGRAM.

(a) DEFINITION OF INSTITUTION.—

(1) IN GENERAL.—Section 17(a)(2)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)(i)) is amended by striking ''during'' and all that follows through ''2004,''.

(2) CONFORMING AMENDMENT.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by striking subsection (p).

(b) DURATION OF DETERMINATION AS TIER I FAMILY OR GROUP DAY CARE HOME.—Section 17(f)(3)(E)(iii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(E)(iii)) is amended by striking ''3 years'' and inserting ''5 years''.

(c) AUDITS.—Section 17(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(i)) is amended by striking ''(i) The'' and inserting the following:

''(i) AUDITS.—

''(1) DISREGARDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in conducting management evaluations, reviews, or audits under this section, the Secretary or a State agency may disregard any overpayment to an institution for a fiscal year if the total overpayment to the institution for the fiscal year does not exceed an amount that is consistent with the disregards allowed in other programs under this Act and recognizes the cost of collecting small claims, as determined by the Secretary.

''(B) CRIMINAL OR FRAUD VIOLATIONS.—In carrying out this paragraph, the Secretary and a State agency shall not disregard any overpayment for which there is evidence of a violation of a criminal law or civil fraud law.

''(2) FUNDING.—The''.

(d) DURATION OF AGREEMENTS.—Section 17(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(j)) is amended—

(1) by striking ''(j) The'' and inserting the following:

''(j) AGREEMENTS.—

''(1) IN GENERAL.—The''; and

(2) by adding at the end the following:

''(2) DURATION.—An agreement under paragraph (1) shall remain in effect until terminated by either party to the agreement.''.

(e) RURAL AREA ELIGIBILITY DETERMINATION FOR DAY CARE HOMES.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) (as amended by subsection (a)(2)) is amended by inserting after subsection (o) the following:

''(p) RURAL AREA ELIGIBILITY DETERMINATION FOR DAY CARE HOMES.—

''(1) DEFINITION OF SELECTED TIER I FAMILY OR GROUP DAY CARE HOME.—In this subsection, the term 'selected tier I family or group day care home' means a family or group day home that meets the definition of tier I family or group day care home under subclause (I) of subsection (f)(3)(A)(ii) except that items (aa) and (bb) of that subclause shall be applied by substituting '40 percent' for '50 percent'.

''(2) ELIGIBILITY.—For each of fiscal years 2006 and 2007, in rural areas of the State of Nebraska (as determined by the Secretary), the Secretary shall provide reimbursement to selected tier I family or group day care homes (as defined in paragraph (1)) under subsection (f)(3) in the same manner as tier I family or group day care homes (as defined in subsection (f)(3)(A)(ii)(I)).

''(3) EVALUATION.—

''(A) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall evaluate the impact of the eligibility criteria described in paragraph (2) as compared to the eligibility criteria described in subsection (f)(3)(A)(ii)(I).

''(B) IMPACT.—The evaluation shall assess the impact of the change in eligibility requirements on—

''(i) the number of family or group day care homes offering meals under this section;

''(ii) the number of family or group day care homes offering meals under this section that are defined as tier I family or group day care homes as a result of paragraph (1) that otherwise would be defined as tier II family or group day care homes under subsection (f)(3)(A)(iii);

''(iii) the geographic location of the family or group day care homes;

''(iv) services provided to eligible children; and

''(v) other factors determined by the Secretary.

''(C) REPORT.—Not later than March 31, 2008, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this subsection.

''(D) FUNDING.—

''(i) IN GENERAL.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this paragraph $400,000, to remain available until expended.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.''.

(f) MANAGEMENT SUPPORT.—Section 17(q)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(q)(3)) is amended by striking ''1999 through 2003'' and inserting ''2005 and 2006''.

(g) AGE LIMITS.—Section 17(t)(5)(A)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(t)(5)(A)(i) is amended—

(1) in subclause (I)—

(A) by striking ''12'' and inserting ''18''; and

(B) by inserting ''or'' after the semicolon;

(2) by striking subclause (II); and

(3) by redesignating subclause (III) as subclause (II).

(h) TECHNICAL AMENDMENTS.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (a)(6)(B), by inserting ''and adult'' after ''child''; and

(2) in subsection (t)(3), by striking ''subsection (a)(1)'' and inserting ''subsection (a)(5)''.

(i) PAPERWORK REDUCTION.—The Secretary of Agriculture, in conjunction with States and participating institutions, shall examine the feasibility of reducing paperwork resulting from regulations and recordkeeping requirements for State agencies, family child care homes, child care centers, and sponsoring organizations participating in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(j) EARLY CHILD NUTRITION EDUCATION.—

(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (6), for a period of 4 successive years, the Secretary of Agriculture shall award to 1 or more entities with expertise in designing and implementing health education programs for limited-English-proficient individuals 1 or more grants to enhance obesity prevention activities for child care centers and sponsoring organizations providing services to limited-English-proficient individuals through the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) in each of 4 States selected by the Secretary in accordance with paragraph (2).

(2) STATES.—The Secretary shall provide grants under this subsection in States that have experienced a growth in the limited-English-proficient population of the States of at least 100 percent between the years 1990 and 2000, as measured by the census.

(3) REQUIRED ACTIVITIES.—Activities carried out under paragraph (1) shall include—

(A) developing an interactive and comprehensive tool kit for use by lay health educators and training activities;

(B) conducting training and providing ongoing technical assistance for lay health educators; and

(C) establishing collaborations with child care centers and sponsoring organizations participating in the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) to—

(i) identify limited-English-proficient children and families; and

(ii) enhance the capacity of the child care centers and sponsoring organizations to use appropriate obesity prevention strategies.

(4) EVALUATION.—Each grant recipient shall identify an institution of higher education to conduct an independent evaluation of the effectiveness of the grant.

(5) REPORT.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Health, Education, Labor, and Pensions, of the Senate a report that includes—

(A) the evaluation completed by the institution of higher education under paragraph (4);

(B) the effectiveness of lay health educators in reducing childhood obesity; and

(C) any recommendations of the Secretary concerning the grants.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $250,000 for each of fiscal years 2005 through 2009.

SEC. 120. FRESH FRUIT AND VEGETABLE PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (g) and inserting the following:

''(g) FRESH FRUIT AND VEGETABLE PROGRAM.—

''(1) IN GENERAL.—For the school year beginning July 2004 and each subsequent school year, the Secretary shall carry out a program to make free fresh fruits and vegetables available, to the maximum extent practicable, to—

''(A) 25 elementary or secondary schools in each of the 4 States authorized to participate in the program under this subsection on May 1, 2004;

''(B) 25 elementary or secondary schools (as selected by the Secretary in accordance with paragraph (3)) in each of 4 States (including a State for which funds were allocated under the program described in paragraph (3)(B)(ii)) that are not participating in the program under this subsection on May 1, 2004; and

''(C) 25 elementary or secondary schools operated on 3 Indian reservations (including the reservation authorized to participate in the program under this subsection on May 1, 2004), as selected by the Secretary.

''(2) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day in 1 or more areas designated by the school.

''(3) SELECTION OF SCHOOLS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in selecting additional schools to participate in the program under paragraph (1)(B), the Secretary shall—

''(i) to the maximum extent practicable, ensure that the majority of schools selected are those in which not less than 50 percent of students are eligible for free or reduced price meals under this Act;

''(ii) solicit applications from interested schools that include—

''(I) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

''(II) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school); and

''(III) such other information as may be requested by the Secretary;

''(iii) for each application received, determine whether the application is from a school in which not less than 50 percent of students are eligible for free or reduced price meals under this Act; and

''(iv) give priority to schools that submit a plan for implementation of the program that includes a partnership with 1 or more entities that provide non-Federal resources (including entities representing the fruit and vegetable industry) for—

''(I) the acquisition, handling, promotion, or distribution of fresh and dried fruits and fresh vegetables; or

''(II) other support that contributes to the purposes of the program.

''(B) NONAPPLICABILITY TO EXISTING PARTICIPANTS.—Subparagraph (A) shall not apply to a school, State, or Indian reservation authorized—

''(i) to participate in the program on May 1, 2004; or

''(ii) to receive funding for free fruits and vegetables under funds provided for public health improvement under the heading 'DISEASE CONTROL, RESEARCH, AND TRAINING' under the heading 'CENTERS FOR DISEASE CONTROL AND PREVENTION' in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004 (Division E of Public Law 108–199; 118 Stat. 238).

''(4) NOTICE OF AVAILABILITY.—To be eligible to participate in the program under this subsection, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

''(5) REPORTS.—

''(A) INTERIM REPORTS.—Not later than September 30 of each of fiscal years 2005 through 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report that describes the activities carried out under this subsection during the fiscal year covered by the report.

''(B) FINAL REPORT.—Not later than December 31, 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report that describes the results of the program under this subsection.

''(6) FUNDING.—

''(A) EXISTING FUNDS.—The Secretary shall use to carry out this subsection any funds that remain under this subsection on the day before the date of enactment of this subparagraph.

''(B) MANDATORY FUNDS.—

''(i) IN GENERAL.—On October 1, 2004, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $9,000,000, to remain available until expended.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds made available under this subparagraph, without further appropriation.

''(C) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts made available under subparagraphs (A) and (B), there are authorized to be appropriated such sums as are necessary to expand the program carried out under this subsection.

''(D) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.''.

SEC. 121. SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

''(h) SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.—

''(1) IN GENERAL.—During the month after the date of enactment of this subsection through September, 2004, and the months of May through September, 2005, the Secretary shall modify eligibility criteria, at not more than 1 private nonprofit residential camp in each of not more than 2 States, as determined by the Secretary, for the purpose of identifying and evaluating alternative methods of determining the eligibility of residential private nonprofit camps to participate in the summer food service program for children established under section 13.

''(2) ELIGIBILITY.—To be eligible for the criteria modified under paragraph (1), a residential camp—

''(A) shall be a service institution (as defined in section 13(a)(1));

''(B) may not charge a fee to any child in residence at the camp; and

''(C) shall serve children who reside in an area in which poor economic conditions exist (as defined in section 13(a)(1)).

''(3) PAYMENTS.—

''(A) IN GENERAL.—Under this subsection, the Secretary shall provide reimbursement for meals served to all children at a residential camp at the payment rates specified in section 13(b)(1).

''(B) REIMBURSABLE MEALS.—A residential camp selected by the Secretary may receive reimbursement for not more than 3 meals, or 2 meals and 1 supplement, during each day of operation.

''(4) EVALUATION.—

''(A) INFORMATION FROM RESIDENTIAL CAMPS.—Not later than December 31, 2005, a residential camp selected under paragraph (1) shall report to the Secretary such information as is required by the Secretary concerning the requirements of this subsection.

''(B) REPORT TO CONGRESS.—Not later than March 31, 2006, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the effect of this subsection on program participation and other factors, as determined by the Secretary.''.

SEC. 122. ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as amended by section 121) is amended by adding at the end the following:

''(i) ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.—

''(1) IN GENERAL.—The Secretary may provide assistance, through competitive matching grants and technical assistance, to schools and nonprofit entities for projects that—

''(A) improve access to local foods in schools and institutions participating in programs under this Act and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) through farm-to-cafeteria activities, including school gardens, that may include the acquisition of food and appropriate equipment and the provision of training and education;

''(B) are, at a minimum, designed to—

''(i) procure local foods from small- and medium-sized farms for school meals; and

''(ii) support school garden programs;

''(C) support nutrition education activities or curriculum planning that incorporates the participation of school children in farm-based agricultural education activities, that may include school gardens;

''(D) develop a sustained commitment to farm-to-cafeteria projects in the community by linking schools, State departments of agriculture, agricultural producers, parents, and other community stakeholders;

''(E) require $100,000 or less in Federal contributions;

''(F) require a Federal share of costs not to exceed 75 percent;

''(G) provide matching support in the form of cash or in-kind contributions (including facilities, equipment, or services provided by State and local governments and private sources); and

''(H) cooperate in an evaluation carried out by the Secretary.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2004 through 2009.''.

SEC. 123. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as amended by section 122) is amended by adding at the end the following:

''(j) YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—A service institution that is described in section 13(a)(6) (excluding a public school), or a private nonprofit organization described in section 13(a)(7), and that is located in the State of California may be reimbursed—

''(A) for up to 2 meals during each day of operation served—

''(i) during the months of May through September;

''(ii) in the case of a service institution that operates a food service program for children on school vacation, at anytime under a continuous school calendar; and

''(iii) in the case of a service institution that provides meal service at a nonschool site to children who are not in school for a period during the school year due to a natural disaster, building repair, court order, or similar case, at anytime during such a period; and

''(B) for a snack served during each day of operation after school hours, weekends, and school holidays during the regular school calendar.

''(2) PAYMENTS.—The service institution shall be reimbursed consistent with section 13(b)(1).

''(3) ADMINISTRATION.—To receive reimbursement under this subsection, a service institution shall comply with section 13, other than subsections (b)(2) and (c)(1) of that section.

''(4) EVALUATION.—Not later than September 30, 2007, the State agency shall submit to the Secretary a report on the effect of this subsection on participation in the summer food service program for children established under section 13.

''(5) FUNDING.—The Secretary shall provide to the State of California such sums as are necessary to carry out this subsection for each of fiscal years 2005 through 2009.''.

SEC. 124. FREE LUNCH AND BREAKFAST ELIGIBILITY.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as amended by section 123) is amended by adding at the end the following:

''(k) FREE LUNCH AND BREAKFAST ELIGIBILITY.—

''(1) IN GENERAL.—Subject to the availability of funds under paragraph (4), the Secretary shall expand the service of free lunches and breakfasts provided at schools participating in the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) in all or part of 5 States selected by the Secretary (of which at least 1 shall be a largely rural State with a significant Native American population).

''(2) INCOME ELIGIBILITY.—The income guidelines for determining eligibility for free lunches or breakfasts under this subsection shall be 185 percent of the applicable family size income levels contained in the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B).

''(3) EVALUATION.—

''(A) IN GENERAL.—Not later than 3 years after the implementation of this subsection, the Secretary shall conduct an evaluation to assess the impact of the changed income eligibility guidelines by comparing the school food authorities operating under this subsection to school food authorities not operating under this subsection.

''(B) IMPACT ASSESSMENT.—

''(i) CHILDREN.—The evaluation shall assess the impact of this subsection separately on—

''(I) children in households with incomes less than 130 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B); and

''(II) children in households with incomes greater than 130 percent and not greater than 185 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B).

''(ii) FACTORS.—The evaluation shall assess the impact of this subsection on—

''(I) certification and participation rates in the school lunch and breakfast programs;

''(II) rates of lunch- and breakfast-skipping;

''(III) academic achievement;

''(IV) the allocation of funds authorized in title I of the Elementary and Secondary Education Act (20 U.S.C. 6301) to local educational agencies and public schools; and

''(V) other factors determined by the Secretary.

''(C) COST ASSESSMENT.—The evaluation shall assess the increased costs associated with providing additional free, reduced price, or paid meals in the school food authorities operating under this subsection.

''(D) REPORT.—On completion of the evaluation, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this paragraph.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.''.

SEC. 125. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

(a) IN GENERAL.—Section 21(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(a)(1)) is amended by striking ''activities and'' and all that follows and inserting ''activities and provide—

''(A) training and technical assistance to improve the skills of individuals employed in—

''(i) food service programs carried out with assistance under this Act and, to the maximum extent practicable, using individuals who administer exemplary local food service programs in the State;

''(ii) school breakfast programs carried out with assistance under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

''(iii) as appropriate, other federally assisted feeding programs; and

''(B) assistance, on a competitive basis, to State agencies for the purpose of aiding schools and school food authorities with at least 50 percent of enrolled children certified to receive free or reduced price meals (and, if there are any remaining funds, other schools and school food authorities) in meeting the cost of acquiring or upgrading technology and information management systems for use in food service programs carried out under this Act and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), if the school or school food authority submits to the State agency an infrastructure development plan that—

''(i) addresses the cost savings and improvements in program integrity and operations that would result from the use of new or upgraded technology;

''(ii) ensures that there is not any overt identification of any child by special tokens or tickets, announced or published list of names, or by any other means;

''(iii) provides for processing and verifying applications for free and reduced price school meals;

''(iv) integrates menu planning, production, and serving data to monitor compliance with section 9(f)(1); and

''(v) establishes compatibility with statewide reporting systems;

''(C) assistance, on a competitive basis, to State agencies with low proportions of schools or students that—

''(i) participate in the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

''(ii) demonstrate the greatest need, for the purpose of aiding schools in meeting costs associated with initiating or expanding a school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), including outreach and informational activities; and''.

(b) DUTIES OF FOOD SERVICE MANAGEMENT INSTITUTE.—Section 21(c)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(c)(2)(B)) is amended—

(1) by striking clauses (vi) and (vii) and inserting the following:

''(vi) safety, including food handling, hazard analysis and critical control point plan implementation, emergency readiness, responding to a food recall, and food biosecurity training;''; and

(2) by redesignating clauses (viii) through (x) as clauses (vii) through (ix), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) TRAINING ACTIVITIES AND TECHNICAL ASSISTANCE.—Section 21(e)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(e)(1)) is amended by striking ''2003'' and inserting ''2009''.

(2) FOOD SERVICE MANAGEMENT INSTITUTE.—Section 21(e)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(e)(2)(A) is amended in the first sentence—

(A) by striking ''provide to the Secretary'' and all that follows through ''1998, and'' and inserting ''provide to the Secretary''; and

(B) by striking ''1999 and'' and inserting ''2004 and $4,000,000 for fiscal year 2005''.

SEC. 126. ADMINISTRATIVE ERROR REDUCTION.

(a) FEDERAL SUPPORT FOR TRAINING AND TECHNICAL ASSISTANCE.—Section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1) is amended by adding at the end the following:

''(f) ADMINISTRATIVE TRAINING AND TECHNICAL ASSISTANCE MATERIAL.—In collaboration with State educational agencies, local educational agencies, and school food authorities of varying sizes, the Secretary shall develop and distribute training and technical assistance material relating to the administration of school meals programs that are representative of the best management and administrative practices.

''(g) FEDERAL ADMINISTRATIVE SUPPORT.—

''(1) FUNDING.—

''(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection—

''(i) on October 1, 2004, and October 1, 2005, $3,000,000; and

''(ii) on October 1, 2006, October 1, 2007, and October 1, 2008, $2,000,000.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

''(C) AVAILABILITY OF FUNDS.—Funds transferred under subparagraph (A) shall remain available until expended.

''(2) USE OF FUNDS.—The Secretary may use funds provided under this subsection—

''(A) to provide training and technical assistance and material related to improving program integrity and administrative accuracy in school meals programs; and

''(B) to assist State educational agencies in reviewing the administrative practices of local educational agencies, to the extent determined by the Secretary.''.

(b) SELECTED ADMINISTRATIVE REVIEWS.—

(1) IN GENERAL.—Section 22(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(b)) is amended by adding at the end the following:

''(3) ADDITIONAL REVIEW REQUIREMENT FOR SELECTED LOCAL EDUCATIONAL AGENCIES.—

''(A) DEFINITION OF SELECTED LOCAL EDUCATIONAL AGENCIES.—In this paragraph, the term 'selected local educational agency' means a local educational agency that has a demonstrated high level of, or a high risk for, administrative error, as determined by the Secretary.

''(B) ADDITIONAL ADMINISTRATIVE REVIEW.—In addition to any review required by subsection (a) or paragraph (1), each State educational agency shall conduct an administrative review of each selected local educational agency during the review cycle established under subsection (a).

''(C) SCOPE OF REVIEW.—In carrying out a review under subparagraph (B), a State educational agency shall only review the administrative processes of a selected local educational agency, including application, certification, verification, meal counting, and meal claiming procedures.

''(D) RESULTS OF REVIEW.—If the State educational agency determines (on the basis of a review conducted under subparagraph (B)) that a selected local educational agency fails to meet performance criteria established by the Secretary, the State educational agency shall—

''(i) require the selected local educational agency to develop and carry out an approved plan of corrective action;

''(ii) except to the extent technical assistance is provided directly by the Secretary, provide technical assistance to assist the selected local educational agency in carrying out the corrective action plan; and

''(iii) conduct a followup review of the selected local educational agency under standards established by the Secretary.

''(4) RETAINING FUNDS AFTER ADMINISTRATIVE REVIEWS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), if the local educational agency fails to meet administrative performance criteria established by the Secretary in both an initial review and a followup review under paragraph (1) or (3) or subsection (a), the Secretary may require the State educational agency to retain funds that would otherwise be paid to the local educational agency for school meals programs under procedures prescribed by the Secretary.

''(B) AMOUNT.—The amount of funds retained under subparagraph (A) shall equal the value of any overpayment made to the local educational agency or school food authority as a result of an erroneous claim during the time period described in subparagraph (C).

''(C) TIME PERIOD.—The period for determining the value of any overpayment under subparagraph (B) shall be the period—

''(i) beginning on the date the erroneous claim was made; and

''(ii) ending on the earlier of the date the erroneous claim is corrected or—

''(I) in the case of the first followup review conducted by the State educational agency of the local educational agency under this section after July 1, 2005, the date that is 60 days after the beginning of the period under clause (i); or

''(II) in the case of any subsequent followup review conducted by the State educational agency of the local educational agency under this section, the date that is 90 days after the beginning of the period under clause (i).

''(5) USE OF RETAINED FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), funds retained under paragraph (4) shall—

''(i) be returned to the Secretary, and may be used—

''(I) to provide training and technical assistance related to administrative practices designed to improve program integrity and administrative accuracy in school meals programs to State educational agencies and, to the extent determined by the Secretary, to local educational agencies and school food authorities;

''(II) to assist State educational agencies in reviewing the administrative practices of local educational agencies in carrying out school meals programs; and

''(III) to carry out section 21(f); or

''(ii) be credited to the child nutrition programs appropriation account.

''(B) STATE SHARE.—A State educational agency may retain not more than 25 percent of an amount recovered under paragraph (4), to carry out school meals program integrity initiatives to assist local educational agencies and school food authorities that have repeatedly failed, as determined by the Secretary, to meet administrative performance criteria.

''(C) REQUIREMENT.—To be eligible to retain funds under subparagraph (B), a State educational agency shall—

''(i) submit to the Secretary a plan describing how the State educational agency will use the funds to improve school meals program integrity, including measures to give priority to local educational agencies from which funds were retained under paragraph (4);

''(ii) consider using individuals who administer exemplary local food service programs in the provision of training and technical assistance; and

''(iii) obtain the approval of the Secretary for the plan.''.

(2) INTERPRETATION.—Nothing in the amendment made by paragraph (1) affects the requirements for fiscal actions as described in the regulations issued pursuant to section 22(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(a)).

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended—

(1) in subsection (e)—

(A) by striking ''(e) Each'' and inserting the following:

''(e) PLANS FOR USE OF ADMINISTRATIVE EXPENSE FUNDS.—

''(1) IN GENERAL.—Each''; and

(B) by striking ''After submitting'' and all that follows through ''change in the plan.'' and inserting the following:

''(2) UPDATES AND INFORMATION MANAGEMENT SYSTEMS.—

''(A) IN GENERAL.—After submitting the initial plan, a State shall be required to submit to the Secretary for approval only a substantive change in the plan.

''(B) PLAN CONTENTS.—Each State plan shall, at a minimum, include a description of how technology and information management systems will be used to improve program integrity by—

''(i) monitoring the nutrient content of meals served;

''(ii) training local educational agencies, school food authorities, and schools in how to use technology and information management systems (including verifying eligibility for free or reduced price meals using program participation or income data gathered by State or local agencies); and

''(iii) using electronic data to establish benchmarks to compare and monitor program integrity, program participation, and financial data.

''(3) TRAINING AND TECHNICAL ASSISTANCE.—Each State shall submit to the Secretary for approval a plan describing the manner in which the State intends to implement subsection (g) and section 22(b)(3) of the Richard B. Russell National School Lunch Act.'';

(2) by redesignating subsection (g) as subsection (j); and

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

''(g) STATE TRAINING.—

''(1) IN GENERAL.—At least annually, each State shall provide training in administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures) to local educational agency and school food authority administrative personnel and other appropriate personnel, with emphasis on the requirements established by the Child Nutrition and WIC Reauthorization Act of 2004 and the amendments made by that Act.

''(2) FEDERAL ROLE.—The Secretary shall—

''(A) provide training and technical assistance to a State; or

''(B) at the option of the Secretary, directly provide training and technical assistance described in paragraph (1).

''(3) REQUIRED PARTICIPATION.—In accordance with procedures established by the Secretary, each local educational agency or school food authority shall ensure that an individual conducting or overseeing administrative procedures described in paragraph (1) receives training at least annually, unless determined otherwise by the Secretary.

''(h) FUNDING FOR TRAINING AND ADMINISTRATIVE REVIEWS.—

''(1) FUNDING.—

''(A) IN GENERAL.—On October 1, 2004, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $4,000,000, to remain available until expended.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall use funds provided under this subsection to assist States in carrying out subsection (g) and administrative reviews of selected local educational agencies carried out under section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c).

''(B) EXCEPTION.—The Secretary may retain a portion of the amount provided to cover costs of activities carried out by the Secretary in lieu of the State.

''(3) ALLOCATION.—The Secretary shall allocate funds provided under this subsection to States based on the number of local educational agencies that have demonstrated a high level of, or a high risk for, administrative error, as determined by the Secretary, taking into account the requirements established by the Child Nutrition and WIC Reauthorization Act of 2004 and the amendments made by that Act.

''(4) REALLOCATION.—The Secretary may reallocate, to carry out this section, any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.''.

SEC. 127. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking ''$3,000,000 for each of the fiscal years 1994 through 2003'' and inserting ''$6,000,000 for each of fiscal years 2004 through 2009''.

SEC. 128. INFORMATION CLEARINGHOUSE.

Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence—

(1) by striking ''1998, and'' and inserting ''1998,''; and

(2) by striking ''through 2003'' and inserting ''through 2004, and $250,000 for each of fiscal years 2005 through 2009''.

SEC. 129. PROGRAM EVALUATION.

The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following:

''SEC. 28. PROGRAM EVALUATION.

''(a) PERFORMANCE ASSESSMENTS.—

''(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (3), the Secretary, acting through the Administrator of the Food and Nutrition Service, may conduct annual national performance assessments of the meal programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(2) COMPONENTS.—In conducting an assessment, the Secretary may assess—

''(A) the cost of producing meals and meal supplements under the programs described in paragraph (1); and

''(B) the nutrient profile of meals, and status of menu planning practices, under the programs.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2004 and each subsequent fiscal year.

''(b) CERTIFICATION IMPROVEMENTS.—

''(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (5), the Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct a study of the feasibility of improving the certification process used for the school lunch program established under this Act.

''(2) PILOT PROJECTS.—In carrying out this subsection, the Secretary may conduct pilot projects to improve the certification process used for the school lunch program.

''(3) COMPONENTS.—In carrying out this subsection, the Secretary shall examine the use of—

''(A) other income reporting systems;

''(B) an integrated benefit eligibility determination process managed by a single agency;

''(C) income or program participation data gathered by State or local agencies; and

''(D) other options determined by the Secretary.

''(4) WAIVERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may waive such provisions of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as are necessary to carry out this subsection.

''(B) PROVISIONS.—The protections of section 9(b)(6) shall apply to any study or pilot project carried out under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this subsection such sums as are necessary.''.

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

SEC. 201. SEVERE NEED ASSISTANCE.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by striking subsection (d) and inserting the following:

''(d) SEVERE NEED ASSISTANCE.—

''(1) IN GENERAL.—Each State educational agency shall provide additional assistance to schools in severe need, which shall include only those schools (having a breakfast program or desiring to initiate a breakfast program) in which—

''(A) during the most recent second preceding school year for which lunches were served, 40 percent or more of the lunches served to students at the school were served free or at a reduced price; or

''(B) in the case of a school in which lunches were not served during the most recent second preceding school year, the Secretary otherwise determines that the requirements of subparagraph (A) would have been met.

''(2) ADDITIONAL ASSISTANCE.—A school, on the submission of appropriate documentation about the need circumstances in that school and the eligibility of the school for additional assistance, shall be entitled to receive the meal reimbursement rate specified in subsection (b)(2).''.

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) MINIMUM STATE ADMINISTRATIVE EXPENSE GRANTS.—Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended—

(1) by striking the section heading and all that follows through ''(a)(1) Each'' and inserting the following:

''SEC. 7. STATE ADMINISTRATIVE EXPENSES.

''(a) AMOUNT AND ALLOCATION OF FUNDS.—

''(1) AMOUNT AVAILABLE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after the first sentence the following:

''(B) MINIMUM AMOUNT.—In the case of each of fiscal years 2005 through 2007, the Secretary shall make available to each State for administrative costs not less than the initial allocation made to the State under this subsection for fiscal year 2004.'';

(ii) by striking ''The Secretary'' and inserting the following:

''(C) ALLOCATION.—The Secretary''; and

(iii) by striking the last sentence; and

(B) in paragraph (2)—

(i) by striking ''(2) The'' and inserting the following:

''(2) EXPENSE GRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the'';

(ii) in the second sentence—

(I) by striking ''In no case'' and inserting the following:

''(B) MINIMUM AMOUNT.—

''(i) IN GENERAL.—In no case'';

(II) by striking ''this subsection'' and inserting ''this paragraph''; and

(III) by striking ''$100,000'' and inserting ''$200,000 (as adjusted under clause (ii)''; and

(iii) by adding at the end the following:

''(ii) ADJUSTMENT.—On October 1, 2008, and each October 1 thereafter, the minimum dollar amount for a fiscal year specified in clause (i) shall be adjusted to reflect the percentage change between—

''(I) the value of the index for State and local government purchases, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the second preceding fiscal year; and

''(II) the value of that index for the 12-month period ending June 30 of the preceding fiscal year.''.

(b) TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.—Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended by inserting after subsection (h) (as added by section 126(c)(3)) the following:

''(i) TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.—

''(1) IN GENERAL.—Each State shall submit to the Secretary, for approval by the Secretary, an amendment to the plan required by subsection (e) that describes the manner in which funds provided under this section will be used for technology and information management systems.

''(2) REQUIREMENTS.—The amendment shall, at a minimum, describe the manner in which the State will improve program integrity by—

''(A) monitoring the nutrient content of meals served;

''(B) providing training to local educational agencies, school food authorities, and schools on the use of technology and information management systems for activities including—

''(i) menu planning;

''(ii) collection of point-of-sale data; and

''(iii) the processing of applications for free and reduced price meals; and

''(C) using electronic data to establish benchmarks to compare and monitor program integrity, program participation, and financial data across schools and school food authorities.

''(3) TECHNOLOGY INFRASTRUCTURE GRANTS.—

''(A) IN GENERAL.—Subject to the availability of funds made available under paragraph (4) to carry out this paragraph, the Secretary shall, on a competitive basis, provide funds to States to be used to provide grants to local educational agencies, school food authorities, and schools to defray the cost of purchasing or upgrading technology and information management systems for use in programs authorized by this Act (other than section 17) and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(B) INFRASTRUCTURE DEVELOPMENT PLAN.—To be eligible to receive a grant under this paragraph, a school or school food authority shall submit to the State a plan to purchase or upgrade technology and information management systems that addresses potential cost savings and methods to improve program integrity, including—

''(i) processing and verification of applications for free and reduced price meals;

''(ii) integration of menu planning, production, and serving data to monitor compliance with section 9(f)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1)); and

''(iii) compatibility with statewide reporting systems.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2005 through 2009, to remain available until expended.''.

(c) REAUTHORIZATION.—Subsection (j) of section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) (as redesignated by section 126(c)(2)) is amended by striking ''2003'' and inserting ''2009''.

SEC. 203. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) DEFINITIONS.—

(1) NUTRITION EDUCATION.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by striking paragraph (7) and inserting the following:

''(7) NUTRITION EDUCATION.—The term 'nutrition education' means individual and group sessions and the provision of material that are designed to improve health status and achieve positive change in dietary and physical activity habits, and that emphasize the relationship between nutrition, physical activity, and health, all in keeping with the personal and cultural preferences of the individual.''.

(2) SUPPLEMENTAL FOODS.—Section 17(b)(14) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(14)) is amended in the first sentence by inserting after ''children'' the following: ''and foods that promote the health of the population served by the program authorized by this section, as indicated by relevant nutrition science, public health concerns, and cultural eating patterns''.

(3) OTHER TERMS.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by adding at the end the following:

''(22) PRIMARY CONTRACT INFANT FORMULA.—The term 'primary contract infant formula' means the specific infant formula for which manufacturers submit a bid to a State agency in response to a rebate solicitation under this section and for which a contract is awarded by the State agency as a result of that bid.

''(23) STATE ALLIANCE.—The term 'State alliance' means 2 or more State agencies that join together for the purpose of procuring infant formula under the program by soliciting competitive bids for infant formula.''.

(b) ELIGIBILITY.—

(1) CERTIFICATION PERIOD.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)) is amended—

(A) by striking ''(3)(A) Persons'' and inserting the following:

''(3) CERTIFICATION.—

''(A) PROCEDURES.—

''(i) IN GENERAL.—Subject to clause (ii), a person''; and

(B) by adding at the end of subparagraph (A) the following:

''(ii) BREASTFEEDING WOMEN.—A State may elect to certify a breastfeeding woman for a period of 1 year postpartum or until a woman discontinues breastfeeding, whichever is earlier.''.

(2) PHYSICAL PRESENCE.—Section 17(d)(3)(C)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(C)(ii)) is amended—

(A) in subclause (I)(bb), by striking ''from a provider other than the local agency; or'' and inserting a semicolon;

(B) in subclause (II), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(III) an infant under 8 weeks of age—

''(aa) who cannot be present at certification for a reason determined appropriate by the local agency; and

''(bb) for whom all necessary certification information is provided.''.

(c) ADMINISTRATION.—

(1) PROCESSING VENDOR APPLICATIONS; PARTICIPANT ACCESS.—Section 17(f)(1)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)) is amended—

(A) in clause (i) by inserting ''at any of the authorized retail stores under the program'' after ''the program'';

(B) by redesignating clauses (ii) through (x) as clauses (iii) through (xi), respectively; and

(C) by inserting after clause (i) the following:

''(ii) procedures for accepting and processing vendor applications outside of the established timeframes if the State agency determines there will be inadequate access to the program, including in a case in which a previously authorized vendor sells a store under circumstances that do not permit

timely notification to the State agency of the change in ownership;''.

(2) ALLOWABLE USE OF FUNDS.—

(A) IN GENERAL.—Section 17(f)(11) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11) is amended—

(i) by striking ''(11) The Secretary'' and inserting the following:

''(11) SUPPLEMENTAL FOODS.—

''(A) IN GENERAL.—The Secretary'';

(ii) in the second sentence, by striking ''To the degree'' and inserting the following:

''(B) APPROPRIATE CONTENT.—To the degree''; and

(iii) by adding at the end the following:

''(C) ALLOWABLE USE OF FUNDS.—Subject to the availability of funds, the Secretary shall award grants to not more than 10 local sites determined by the Secretary to be geographically and culturally representative of State, local, and Indian agencies, to evaluate the feasibility of including fresh, frozen, or canned fruits and vegetables (to be made available through private funds) as an addition to the supplemental foods prescribed under this section.

''(D) REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.—As frequently as determined by the Secretary to be necessary to reflect the most recent scientific knowledge, the Secretary shall—

''(i) conduct a scientific review of the supplemental foods available under the program; and

''(ii) amend the supplemental foods available, as necessary, to reflect nutrition science, public health concerns, and cultural eating patterns.''.

(B) RULEMAKING.—Not later than 18 months after the date of receiving the review initiated by the National Academy of Sciences, Institute of Medicine in September 2003 of the supplemental foods available for the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Secretary shall promulgate a final rule updating the prescribed supplemental foods available through the program.

(3) USE OF CLAIMS FROM LOCAL AGENCIES.—Section 17(f)(21) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(21)) is amended—

(A) in the paragraph heading, by striking ''VENDORS'' and inserting ''LOCAL AGENCIES, VENDORS,''; and

(B) by striking ''vendors'' and inserting ''local agencies, vendors,''.

(4) INFANT FORMULA BENEFITS.—

(A) IN GENERAL.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by adding at the end the following:

''(25) INFANT FORMULA BENEFITS.—A State agency may round up to the next whole can of infant formula to allow all participants under the program to receive the full-authorized nutritional benefit specified by regulation.''.

(B) APPLICABILITY.—The amendment made by subparagraph (A) applies to infant formula provided under a contract resulting from a bid solicitation issued on or after October 1, 2004.

(5) NOTIFICATION OF VIOLATIONS.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) (as amended by paragraph (4)) is amended by adding at the end the following:

''(26) NOTIFICATION OF VIOLATIONS.—If a State agency finds that a vendor has committed a violation that requires a pattern of occurrences in order to impose a penalty or sanction, the State agency shall notify the vendor of the initial violation in writing prior to documentation of another violation, unless the State agency determines that notifying the vendor would compromise an investigation.''.

(d) REAUTHORIZATION OF WIC PROGRAM.—Section 17(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)) is amended by striking ''(g)(1)'' and all that follows through ''As authorized'' in paragraph (1) and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2009.

''(B) ADVANCE APPROPRIATIONS; AVAILABILITY.—As authorized''.

(e) NUTRITION SERVICES AND ADMINISTRATION FUNDS; COMPETITIVE BIDDING; RETAILERS.—

(1) IN GENERAL.—Section 17(h)(2)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(A)) is amended by striking ''For each of the fiscal years 1995 through 2003, the'' and inserting ''The''.

(2) HEALTHY PEOPLE 2010 INITIATIVE.—Section 17(h)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(4)) is amended—

(A) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(F) partner with communities, State and local agencies, employers, health care professionals, and other entities in the private sector to build a supportive breastfeeding environment for women participating in the program under this section to support the breastfeeding goals of the Healthy People 2010 initiative.''.

(3) SIZE OF STATE ALLIANCES.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) is amended by adding at the end the following:

''(iv) SIZE OF STATE ALLIANCES.—

''(I) IN GENERAL.—Except as provided in subclauses (II) through (IV), no State alliance may exist among States if the total number of infants served by States participating in the alliance as of October 1, 2003, or such subsequent date determined by the Secretary for which data is available, would exceed 100,000.

''(II) ADDITION OF INFANT PARTICIPANTS.—In the case of a State alliance that exists on the date of enactment of this clause, the alliance may continue and may expand to serve more than 100,000 infants but, except as provided in subclause (III), may not expand to include any additional State agency.

''(III) ADDITION OF SMALL STATE AGENCIES AND INDIAN STATE AGENCIES.—Any State alliance may expand to include any State agency that served less than 5,000 infant participants as of October 1, 2003, or such subsequent date determined by the Secretary for which data is available, or any Indian State agency, if the State agency or Indian State agency requests to join the State alliance.

''(IV) SECRETARIAL WAIVER.—The Secretary may waive the requirements of this clause not earlier than 30 days after submitting to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a written report that describes the cost-containment and competitive benefits of the proposed waiver.''.

(4) PRIMARY CONTRACT INFANT FORMULA.—

(A) IN GENERAL.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(8)(A)) (as amended by paragraph (3)) is amended—

(i) in clause (ii)(I), by striking ''contract brand of'' and inserting ''primary contract'';

(ii) in clause (iii), by inserting ''for a specific infant formula for which manufacturers submit a bid'' after ''lowest net price''; and

(iii) by adding at the end the following:

''(v) FIRST CHOICE OF ISSUANCE.—The State agency shall use the primary contract infant formula as the first choice of issuance (by formula type), with all other infant formulas issued as an alternative to the primary contract infant formula.''.

(B) APPLICABILITY.—The amendments made by subparagraph (A) apply to a contract resulting from a bid solicitation issued on or after October 1, 2004.

(5) REBATE INVOICES.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (4)(A)(iii)) is amended by adding at the end the following:

''(vi) REBATE INVOICES.—Each State agency shall have a system to ensure that infant formula rebate invoices, under competitive bidding, provide a reasonable estimate or an actual count of the number of units sold to participants in the program under this section.''.

(6) UNCOUPLING MILK AND SOY BIDS.—

(A) IN GENERAL.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (5)) is amended by adding at the end the following:

''(vii) SEPARATE SOLICITATIONS.—In soliciting bids for infant formula under a competitive bidding system, any State agency, or State alliance, that served under the program a monthly average of more than 100,000 infants during the preceding 12-month period shall solicit bids from infant formula manufacturers under procedures that require that bids for rebates or discounts are solicited for milk-based and soy-based infant formula separately.''.

(B) APPLICABILITY.—The amendment made by this paragraph applies to a bid solicitation issued on or after October 1, 2004.

(7) CENT-FOR-CENT ADJUSTMENTS.—

(A) IN GENERAL.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (6)(A)) is amended by adding at the end the following:

''(viii) CENT-FOR-CENT ADJUSTMENTS.—A bid solicitation for infant formula under the program shall require the manufacturer to adjust for price changes subsequent to the opening of the bidding process in a manner that requires—

''(I) a cent-for-cent increase in the rebate amounts if there is an increase in the lowest national wholesale price for a full truckload of the particular infant formula; and

''(II) a cent-for-cent decrease in the rebate amounts if there is a decrease in the lowest national wholesale price for a full truckload of the particular infant formula.''.

(B) CONFORMING AMENDMENT.—Section 17(h)(8)(A)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)(ii)) is amended by striking ''rise'' and inserting ''change''.

(C) APPLICABILITY.—The amendments made by this paragraph apply to a bid solicitation issued on or after October 1, 2004.

(8) LIST OF INFANT FORMULA WHOLESALERS, DISTRIBUTORS, RETAILERS, AND MANUFACTURERS.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (7)(A)) is amended by adding at the end the following:

''(ix) LIST OF INFANT FORMULA WHOLESALERS, DISTRIBUTORS, RETAILERS, AND MANUFACTURERS.—The State agency shall maintain a list of—

''(I) infant formula wholesalers, distributors, and retailers licensed in the State in accordance with State law (including regulations); and

''(II) infant formula manufacturers registered with the Food and Drug Administration that provide infant formula.

''(x) PURCHASE REQUIREMENT.—A vendor authorized to participate in the program under

this section shall only purchase infant formula from the list described in clause (ix).''.

(9) FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (10) and inserting the following:

''(10) FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.—

''(A) IN GENERAL.—For each of fiscal years 2006 through 2009, the Secretary shall use for the purposes specified in subparagraph (B), $64,000,000 or the amount of nutrition services and administration funds and supplemental food funds for the prior fiscal year that have not been obligated, whichever is less.

''(B) PURPOSES.—Of the amount made available under subparagraph (A) for a fiscal year, not more than—

''(i) $14,000,000 shall be used for—

''(I) infrastructure for the program under this section;

''(II) special projects to promote breastfeeding, including projects to assess the effectiveness of particular breastfeeding promotion strategies; and

''(III) special State projects of regional or national significance to improve the services of the program;

''(ii) $30,000,000 shall be used to establish, improve, or administer management information systems for the program, including changes necessary to meet new legislative or regulatory requirements of the program; and

''(iii) $20,000,000 shall be used for special nutrition education such as breast feeding peer counselors and other related activities.

''(C) PROPORTIONAL DISTRIBUTION.—In a case in which less than $64,000,000 is available to carry out this paragraph, the Secretary shall make a proportional distribution of funds allocated under subparagraph (B).''.

(10) VENDOR COST CONTAINMENT.—

(A) Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (11) and inserting the following:

''(11) VENDOR COST CONTAINMENT.—

''(A) PEER GROUPS.—

''(i) IN GENERAL.—The State agency shall—

''(I) establish a vendor peer group system;

''(II) in accordance with subparagraphs (B) and (C), establish competitive price criteria and allowable reimbursement levels for each vendor peer group; and

''(III) if the State agency elects to authorize any types of vendors described in subparagraph (D)(ii)(I)—

''(aa) distinguish between vendors described in subparagraph (D)(ii)(I) and other vendors by establishing—

''(AA) separate peer groups for vendors described in subparagraph (D)(ii)(I);or

''(BB) distinct competitive price criteria and allowable reimbursement levels for vendors described in subparagraph (D)(ii)(I) within a peer group that contains both vendors described in subparagraph (D)(ii)(I) and other vendors; and

''(bb) establish competitive price criteria and allowable reimbursement levels that comply with subparagraphs (B) and (C), respectively, and that do not result in higher food costs if program participants redeem supplemental food vouchers at vendors described in subparagraph (D)(ii)(I) rather than at vendors other than vendors described in subparagraph (D)(ii)(I).

Nothing in this paragraph shall be construed to compel a State agency to achieve lower food costs if program participants redeem supplemental food vouchers at vendors described in subparagraph (D)(ii)(I) rather than at vendors other than vendors described in subparagraph (D)(ii)(I).

''(ii) EXEMPTIONS.—The Secretary may exempt from the requirements of clause (i)—

''(I) a State agency that elects not to authorize any types of vendors described in subparagraph (D)(ii)(I) and that demonstrates to the Secretary that—

''(aa) compliance with clause (i) would be inconsistent with efficient and effective operation of the program administered by the State under this section; or

''(bb) an alternative cost-containment system would be as effective as a vendor peer group system; or

''(II) a State agency—

''(aa) in which the sale of supplemental foods that are obtained with food instruments from vendors described in subparagraph (D)(ii)(I) constituted less than 5 percent of total sales of supplemental foods that were obtained with food instruments in the State in the year preceding a year in which the exemption is effective; and

''(bb) that demonstrates to the Secretary that an alternative cost-containment system would be as effective as the vendor peer group system and would not result in higher food costs if program participants redeem supplemental food vouchers at vendors described in subparagraph (D)(ii)(I) rather than at vendors other than vendors described in subparagraph (D)(ii)(I).

''(B) COMPETITIVE PRICING.—

''(i) IN GENERAL.—The State agency shall establish competitive price criteria for each peer group for the selection of vendors for participation in the program that—

''(I) ensure that the retail prices charged by vendor applicants for the program are competitive with the prices charged by other vendors; and

''(II) consider—

''(aa) the shelf prices of the vendor for all buyers; or

''(bb) the prices that the vendor bid for supplemental foods, which shall not exceed the shelf prices of the vendor for all buyers.

''(ii) PARTICIPANT ACCESS.—In establishing competitive price criteria, the State agency shall consider participant access by geographic area.

''(iii) SUBSEQUENT PRICE INCREASES.—The State agency shall establish procedures to ensure that a retail store selected for participation in the program does not, subsequent to selection, increase prices to levels that would make the store ineligible for selection to participate in the program.

''(C) ALLOWABLE REIMBURSEMENT LEVELS.—

''(i) IN GENERAL.—The State agency shall establish allowable reimbursement levels for supplemental foods for each vendor peer group that ensure—

''(I) that payments to vendors in the vendor peer group reflect competitive retail prices; and

''(II) that the State agency does not reimburse a vendor for supplemental foods at a level that would make the vendor ineligible for authorization under the criteria established under subparagraph (B).

''(ii) PRICE FLUCTUATIONS.—The allowable reimbursement levels may include a factor to reflect fluctuations in wholesale prices.

''(iii) PARTICIPANT ACCESS.—In establishing allowable reimbursement levels, the State agency shall consider participant access in a geographic area.

''(D) EXEMPTIONS.—The State agency may exempt from competitive price criteria and allowable reimbursement levels established under this paragraph—

''(i) pharmacy vendors that supply only exempt infant formula or medical foods that are eligible under the program; and

''(ii) vendors—

''(I)(aa) for which more than 50 percent of the annual revenue of the vendor from the sale of food items consists of revenue from the sale of supplemental foods that are obtained with food instruments; or

''(bb) who are new applicants likely to meet the criteria of item (aa) under criteria approved by the Secretary; and

''(II) that are nonprofit.

''(E) COST CONTAINMENT.—If a State agency elects to authorize any types of vendors described in subparagraph (D)(ii)(I), the State agency shall demonstrate to the Secretary, and the Secretary shall certify, that the competitive price criteria and allowable reimbursement levels established under this paragraph for vendors described in subparagraph (D)(ii)(I) do not result in average payments per voucher to vendors described in subparagraph (D)(ii)(I) that are higher than average payments per voucher to comparable vendors other than vendors described in subparagraph (D)(ii)(I).

''(F) LIMITATION ON PRIVATE RIGHTS OF ACTION.—Nothing in this paragraph may be construed as creating a private right of action.

''(G) IMPLEMENTATION.—A State agency shall comply with this paragraph not later than 18 months after the date of enactment of this paragraph.''.

(B) CONFORMING AMENDMENT.—Section 17(f)(1)(C)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)(i)) is amended by inserting before the semicolon the following: '', including a description of the State agency's vendor peer group system, competitive price criteria, and allowable reimbursement levels that demonstrate that the State is in compliance with the cost-containment provisions in subsection (h)(11).''.

(11) IMPOSITION OF COSTS ON RETAIL STORES.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (12) and inserting the following:

''(12) IMPOSITION OF COSTS ON RETAIL STORES.—The Secretary may not impose, or allow a State agency to impose, the costs of any equipment, system, or processing required for electronic benefit transfers on any retail store authorized to transact food instruments, as a condition for authorization or participation in the program.''.

(12) UNIVERSAL PRODUCT CODES DATABASE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) (as amended by paragraph (11)) is amended by adding at the end the following:

''(13) UNIVERSAL PRODUCT CODES DATABASE.—The Secretary shall—

''(A) establish a national universal product code database for use by all State agencies in carrying out the program; and

''(B) make available from appropriated funds such sums as are required for hosting, hardware and software configuration, and support of the database.''.

(13) INCENTIVE ITEMS.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) (as amended by paragraph (12)) is amended by adding at the end the following:

''(14) INCENTIVE ITEMS.—A State agency shall not authorize or make payments to a vendor described in paragraph (11)(D)(ii)(I) that provides incentive items or other free merchandise, except food or merchandise of nominal value (as determined by the Secretary), to program participants unless the vendor provides to the State agency proof that the vendor obtained the incentive items or merchandise at no cost.''.

(f) SPEND FORWARD AUTHORITY.—Section 17(i)(3)(A)(ii)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)(3)(A)(ii)(I)) is amended by striking ''1 percent'' and inserting ''3 percent''.

(g) MIGRANT AND COMMUNITY HEALTH CENTERS INITIATIVE.—Section 17(j) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(j)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

(h) FARMERS' MARKET NUTRITION PROGRAM.—

(1) ROADSIDE STANDS.—Section 17(m)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(1)) is amended by inserting ''and (at the option of a State) roadside stands'' after ''farmers' markets''.

(2) MATCHING FUNDS.—Section 17(m)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(3)) is amended by striking ''total'' both places it appears and inserting ''administrative''.

(3) BENEFIT VALUE.—Section 17(m)(5)(C)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(5)(C)(ii)) is amended by striking ''$20'' and inserting ''$30''.

(4) REAUTHORIZATION.—Section 17(m)(9)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)(A)) is amended by striking clause (i) and inserting the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2009.''.

(i) DEMONSTRATION PROJECT RELATING TO USE OF WIC PROGRAM FOR IDENTIFICATION AND ENROLLMENT OF CHILDREN IN CERTAIN HEALTH PROGRAMS.—

(1) IN GENERAL.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking subsection (r).

(2) CONFORMING AMENDMENT.—Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (p).

SEC. 204. LOCAL WELLNESS POLICY.

(a) IN GENERAL.—Not later than the first day of the school year beginning after June 30, 2006, each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for schools under the local educational agency that, at a minimum—

(1) includes goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;

(2) includes nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity;

(3) provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and sections 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)), as those regulations and guidance apply to schools;

(4) establishes a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and

(5) involves parents, students, representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.

(b) TECHNICAL ASSISTANCE AND BEST PRACTICES.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Education and in consultation with the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall make available to local educational agencies, school food authorities, and State educational agencies, on request, information and technical assistance for use in—

(A) establishing healthy school nutrition environments;

(B) reducing childhood obesity; and

(C) preventing diet-related chronic diseases.

(2) CONTENT.—Technical assistance provided by the Secretary under this subsection shall—

(A) include relevant and applicable examples of schools and local educational agencies that have taken steps to offer healthy options for foods sold or served in schools;

(B) include such other technical assistance as is required to carry out the goals of promoting sound nutrition and establishing healthy school nutrition environments that are consistent with this section;

(C) be provided in such a manner as to be consistent with the specific needs and requirements of local educational agencies; and

(D) be for guidance purposes only and not be construed as binding or as a mandate to schools, local educational agencies, school food authorities, or State educational agencies.

(3) FUNDING.—

(A) IN GENERAL.—On July 1, 2006, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $4,000,000, to remain available until September 30, 2009.

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

SEC. 205. TEAM NUTRITION NETWORK.

(a) TEAM NUTRITION NETWORK.—Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended to read as follows:

''SEC. 19. TEAM NUTRITION NETWORK.

''(a) PURPOSES.—The purposes of the team nutrition network are—

''(1) to establish State systems to promote the nutritional health of school children of the United States through nutrition education and the use of team nutrition messages and material developed by the Secretary, and to encourage regular physical activity and other activities that support healthy lifestyles for children, including those based on the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

''(2) to provide assistance to States for the development of comprehensive and integrated nutrition education and active living programs in schools and facilities that participate in child nutrition programs;

''(3) to provide training and technical assistance and disseminate team nutrition messages to States, school and community nutrition programs, and child nutrition food service professionals;

''(4) to coordinate and collaborate with other nutrition education and active living programs that share similar goals and purposes; and

''(5) to identify and share innovative programs with demonstrated effectiveness in helping children to maintain a healthy weight by enhancing student understanding of healthful eating patterns and the importance of regular physical activity.

''(b) DEFINITION OF TEAM NUTRITION NETWORK.—In this section, the term 'team nutrition network' means a statewide multidisciplinary program for children to promote healthy eating and physical activity based on scientifically valid information and sound educational, social, and marketing principles.

''(c) GRANTS.—

''(1) IN GENERAL.—Subject to the availability of funds for use in carrying out this section, in addition to any other funds made available to the Secretary for team nutrition purposes, the Secretary, in consultation with the Secretary of Education, may make grants to State agencies for each fiscal year, in accordance with this section, to establish team nutrition networks to promote nutrition education through—

''(A) the use of team nutrition network messages and other scientifically based information; and

''(B) the promotion of active lifestyles.

''(2) FORM.—A portion of the grants provided under this subsection may be in the form of competitive grants.

''(3) FUNDS FROM NONGOVERNMENTAL SOURCES.—In carrying out this subsection, the Secretary may accept cash contributions from nongovernmental organizations made expressly to further the purposes of this section, to be managed by the Food and Nutrition Service, for use by the Secretary and the States in carrying out this section.

''(d) ALLOCATION.—Subject to the availability of funds for use in carrying out this section, the total amount of funds made available for a fiscal year for grants under this section shall equal not more than the sum of—

''(1) the product obtained by multiplying ½ cent by the number of lunches reimbursed through food service programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) during the second preceding fiscal year in schools, institutions, and service institutions that participate in the food service programs; and

''(2) the total value of funds received by the Secretary in support of this section from nongovernmental sources.

''(e) REQUIREMENTS FOR STATE PARTICIPATION.—To be eligible to receive a grant under this section, a State agency shall submit to the Secretary a plan that—

''(1) is subject to approval by the Secretary; and

''(2) is submitted at such time and in such manner, and that contains such information, as the Secretary may require, including—

''(A) a description of the goals and proposed State plan for addressing the health and other consequences of children who are at risk of becoming overweight or obese;

''(B) an analysis of the means by which the State agency will use and disseminate the team nutrition messages and material developed by the Secretary;

''(C) an explanation of the ways in which the State agency will use the funds from the grant to work toward the goals required under subparagraph (A), and to promote healthy eating and physical activity and fitness in schools throughout the State;

''(D) a description of the ways in which the State team nutrition network messages and activities will be coordinated at the State level with other health promotion and education activities;

''(E) a description of the consultative process that the State agency employed in the development of the model nutrition and physical activity programs, including consultations with individuals and organizations with expertise in promoting public health, nutrition, or physical activity;

''(F) a description of how the State agency will evaluate the effectiveness of each program developed by the State agency;

''(G) an annual summary of the team nutrition network activities;

''(H) a description of the ways in which the total school environment will support healthy eating and physical activity; and

''(I) a description of how all communications to parents and legal guardians of students who are members of a household receiving or applying for assistance under the program shall be in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.

''(f) STATE COORDINATOR.—Each State that receives a grant under this section shall appoint a team nutrition network coordinator who shall—

''(1) administer and coordinate the team nutrition network within and across schools, school food authorities, and other child nutrition program providers in the State; and

''(2) coordinate activities of the Secretary, acting through the Food and Nutrition Service, and State agencies responsible for other children's health, education, and wellness programs to implement a comprehensive, coordinated team nutrition network program.

''(g) AUTHORIZED ACTIVITIES.—A State agency that receives a grant under this section may use funds from the grant—

''(1)(A) to collect, analyze, and disseminate data regarding the extent to which children and youths in the State are overweight, physically inactive, or otherwise suffering from nutrition-related deficiencies or disease conditions; and

''(B) to identify the programs and services available to meet those needs;

''(2) to implement model elementary and secondary education curricula using team nutrition network messages and material developed by the Secretary to create a comprehensive, coordinated nutrition and physical fitness awareness and obesity prevention program;

''(3) to implement pilot projects in schools to promote physical activity and to enhance the nutritional status of students;

''(4) to improve access to local foods through farm-to-cafeteria activities that may include the acquisition of food and the provision of training and education;

''(5) to implement State guidelines in health (including nutrition education and physical education guidelines) and to emphasize regular physical activity during school hours;

''(6) to establish healthy eating and lifestyle policies in schools;

''(7) to provide training and technical assistance to teachers and school food service professionals consistent with the purposes of this section;

''(8) to collaborate with public and private organizations, including community-based organizations, State medical associations, and public health groups, to develop and implement nutrition and physical education programs targeting lower income children, ethnic minorities, and youth at a greater risk for obesity.

''(h) LOCAL NUTRITION AND PHYSICAL ACTIVITY GRANTS.—

''(1) IN GENERAL.—Subject to the availability of funds to carry out this subsection, the Secretary, in consultation with the Secretary of Education, shall provide assistance to selected local educational agencies to create healthy school nutrition environments, promote healthy eating habits, and increase physical activity, consistent with the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), among elementary and secondary education students.

''(2) SELECTION OF SCHOOLS.—In selecting local educational agencies for grants under this subsection, the Secretary shall—

''(A) provide for the equitable distribution of grants among—

''(i) urban, suburban, and rural schools; and

''(ii) schools with varying family income levels;

''(B) consider factors that affect need, including local educational agencies with significant minority or low-income student populations; and

''(C) establish a process that allows the Secretary to conduct an evaluation of how funds were used.

''(3) REQUIREMENT FOR PARTICIPATION.—To be eligible to receive assistance under this subsection, a local educational agency shall, in consultation with individuals who possess education or experience appropriate for representing the general field of public health, including nutrition and fitness professionals, submit to the Secretary an application that shall include—

''(A) a description of the need of the local educational agency for a nutrition and physical activity program, including an assessment of the nutritional environment of the school;

''(B) a description of how the proposed project will improve health and nutrition through education and increased access to physical activity;

''(C) a description of how the proposed project will be aligned with the local wellness policy required under section 204 of the Child Nutrition and WIC Reauthorization Act of 2004;

''(D) a description of how funds under this subsection will be coordinated with other programs under this Act, the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), or other Acts, as appropriate, to improve student health and nutrition;

''(E) a statement of the measurable goals of the local educational agency for nutrition and physical education programs and promotion;

''(F) a description of the procedures the agency will use to assess and publicly report progress toward meeting those goals; and

''(G) a description of how communications to parents and guardians of participating students regarding the activities under this subsection shall be in an understandable and uniform format, and, to the extent maximum practicable, in a language that parents can understand.

''(4) DURATION.—Subject to the availability of funds made available to carry out this subsection, a local educational agency receiving assistance under this subsection shall conduct the project during a period of 3 successive school years beginning with the initial fiscal year for which the local educational agency receives funds.

''(5) AUTHORIZED ACTIVITIES.—An eligible applicant that receives assistance under this subsection—

''(A) shall use funds provided to—

''(i) promote healthy eating through the development and implementation of nutrition education programs and curricula based on the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

''(ii) increase opportunities for physical activity through after school programs, athletics, intramural activities, and recess; and

''(B) may use funds provided to—

''(i) educate parents and students about the relationship of a poor diet and inactivity to obesity and other health problems;

''(ii) develop and implement physical education programs that promote fitness and lifelong activity;

''(iii) provide training and technical assistance to food service professionals to develop more appealing, nutritious menus and recipes;

''(iv) incorporate nutrition education into physical education, health education, and after school programs, including athletics;

''(v) involve parents, nutrition professionals, food service staff, educators, community leaders, and other interested parties in assessing the food options in the school environment and developing and implementing an action plan to promote a balanced and healthy diet;

''(vi) provide nutrient content or nutrition information on meals served through the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act and items sold a la carte during meal times;

''(vii) encourage the increased consumption of a variety of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products, through new initiatives to creatively market healthful foods, such as salad bars and fruit bars;

''(viii) offer healthy food choices outside program meals, including by making low-fat and nutrient dense options available in vending machines, school stores, and other venues; and

''(ix) provide nutrition education, including sports nutrition education, for teachers, coaches, food service staff, athletic trainers, and school nurses.

''(6) REPORT.—Not later than 18 months after completion of the projects and evaluations under this subsection, the Secretary shall—

''(A) submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition and Forestry of the Senate a report describing the results of the evaluation under this subsection; and

''(B) make the report available to the public, including through the Internet.

''(i) NUTRITION EDUCATION SUPPORT.—In carrying out the purpose of this section to support nutrition education, the Secretary may provide for technical assistance and grants to improve the quality of school meals and access to local foods in schools and institutions.

''(j) LIMITATION.—Material prepared under this section regarding agricultural commodities, food, or beverages, must be factual and without bias.

''(k) TEAM NUTRITION NETWORK INDEPENDENT EVALUATION.—

''(1) IN GENERAL.—Subject to the availability of funds to carry out this subsection, the Secretary shall offer to enter into an agreement with an independent, nonpartisan, science-based research organization—

''(A) to conduct a comprehensive independent evaluation of the effectiveness of the team nutrition initiative and the team nutrition network under this section; and

''(B) to identify best practices by schools in—

''(i) improving student understanding of healthful eating patterns;

''(ii) engaging students in regular physical activity and improving physical fitness;

''(iii) reducing diabetes and obesity rates in school children;

''(iv) improving student nutrition behaviors on the school campus, including by increasing healthier meal choices by students,

as evidenced by greater inclusion of fruits, vegetables, whole grains, and lean dairy and protein in meal and snack selections;

''(v) providing training and technical assistance for food service professionals resulting in the availability of healthy meals that appeal to ethnic and cultural taste preferences;

''(vi) linking meals programs to nutrition education activities;

''(vii) successfully involving parents, school administrators, the private sector, public health agencies, nonprofit organizations, and other community partners;

''(viii) ensuring the adequacy of time to eat during school meal periods; and

''(ix) successfully generating revenue through the sale of food items, while providing healthy options to students through vending, student stores, and other venues.

''(2) REPORT.—Not later than 3 years after funds are made available to carry out this subsection, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the findings of the independent evaluation.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENT.—Section 21(c)(2)(E) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(c)(2)(E)) is amended by striking '', including'' and all that follows through ''1966''.

SEC. 206. REVIEW OF BEST PRACTICES IN THE BREAKFAST PROGRAM.

(a) REVIEW.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (c), the Secretary of Agriculture shall enter into an agreement with a research organization to collect and disseminate a review of best practices to assist school food authorities in addressing existing impediments at the State and local level that hinder the growth of the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(2) RECOMMENDATIONS.—The review shall describe model breakfast programs and offer recommendations for schools to overcome obstacles, including—

(A) the length of the school day;

(B) bus schedules; and

(C) potential increases in costs at the State and local level.

(b) DISSEMINATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) make the review required under subsection (a) available to school food authorities via the Internet, including recommendations to improve participation in the school breakfast program; and

(2) transmit to Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the review.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE III—COMMODITY DISTRIBUTION PROGRAMS

SEC. 301. COMMODITY DISTRIBUTION PROGRAMS.

Section 15 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended by striking subsection (e).

TITLE IV—MISCELLANEOUS

SEC. 401. SENSE OF CONGRESS REGARDING EFFORTS TO PREVENT AND REDUCE CHILDHOOD OBESITY.

(a) FINDINGS.—Congress finds that—

(1) childhood obesity in the United States has reached critical proportions;

(2) childhood obesity is associated with numerous health risks and the incidence of chronic disease later in life;

(3) the prevention of obesity among children yields significant benefits in terms of preventing disease and the health care costs associated with such diseases;

(4) further scientific and medical data on the prevalence of childhood obesity is necessary in order to inform efforts to fight childhood obesity; and

(5) the State of Arkansas—

(A) is the first State in the United States to have a comprehensive statewide initiative to combat and prevent childhood obesity by—

(i) annually measuring the body mass index of public school children in the State from kindergarten through 12th grade; and

(ii) providing that information to the parents of each child with associated information about the health implications of the body mass index of the child;

(B) maintains, analyzes, and reports on annual and longitudinal body mass index data for the public school children in the State; and

(C) develops and implements appropriate interventions at the community and school level to address obesity, the risk of obesity, and the condition of being overweight, including efforts to encourage healthy eating habits and increased physical activity.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the State of Arkansas, in partnership with the University of Arkansas for Medical Sciences and the Arkansas Center for Health Improvement, should be commended for its leadership in combating childhood obesity; and

(2) the efforts of the State of Arkansas to implement a statewide initiative to combat and prevent childhood obesity are exemplary and could serve as a model for States across the United States.

TITLE V—IMPLEMENTATION

SEC. 501. GUIDANCE AND REGULATIONS.

(a) GUIDANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall issue guidance to implement the amendments made by sections 102, 103, 104, 105, 106, 107, 111, 116, 119(c), 119(g), 120, 126(b), 126(c), 201, 203(a)(3), 203(b), 203(c)(5), 203(e)(3), 203(e)(4), 203(e)(5), 203(e)(6), 203(e)(7), 203(e)(10), and 203(h)(1).

(b) INTERIM FINAL REGULATIONS.—The Secretary may promulgate interim final regulations to implement the amendments described in subsection (a).

(c) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall promulgate final regulations to implement the amendments described in subsection (a).

SEC. 502. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) SPECIAL EFFECTIVE DATES.—

(1) JULY 1, 2004.—The amendments made by sections 106, 107, 126(c), and 201 take effect on July 1, 2004.

(2) OCTOBER 1, 2004.—The amendments made by sections 119(c), 119(g), 202(a), 203(a), 203(b), 203(c)(1), 203(c)(5), 203(e)(5), 203(e)(8), 203(e)(10), 203(e)(13), 203(f), 203(h)(1), and 203(h)(2) take effect on October 1, 2004.

(3) JANUARY 1, 2005.—The amendments made by sections 116(f)(1) and 116(f)(3) take effect on January 1, 2005.

(4) JULY 1, 2005.—The amendments made by sections 102, 104, 105, 111, and 126(b) take effect on July 1, 2005.

(5) OCTOBER 1, 2005.—The amendments made by sections 116(d) and 203(e)(9) take effect on October 1, 2005.

SA 3475. Mr. WARNER (for Mr. GREGG) proposed an amendment to amendment SA 3400 proposed by Mr. FEINGOLD (for himself, Mrs. MURRAY, Mr. CORZINE, and Mr. DAYTON) to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Strike the matter proposed to be inserted, and insert the following:

Subtitle F—Military Families Workplace Flexibility

SEC. 661. SHORT TITLE.

This subtitle may be cited as the ''Military Families Workplace Flexibility Act''.

SEC. 662. BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOUR PROGRAMS.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

''SEC. 13A. BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOUR PROGRAMS.

''(a) ELIGIBLE EMPLOYEE.—For the purposes of this section, an employee who is a spouse, child (including an adopted child or stepchild), or parent of a member of the Armed Forces is eligible for the program benefits under this section during the following periods:

''(1) The period during which the member of the Armed Forces is serving on active duty and deployed to the area of operations of a contingency operation.

''(2) In the case of a member of the reserve components called or ordered to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, the period—

''(A) beginning on the earlier of the date on which active duty commences or the date on which the member receives a delayed-effective-date active-duty order (as defined in section 1074(d)(2) of such title); and

''(B) ending on the date on which the member is released from the active duty to which so called or ordered.

''(b) VOLUNTARY PARTICIPATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no eligible employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

''(3) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the eligible employees of the employer under applicable law, an eligible employee may only be required to participate in such a program in accordance with the agreement.

''(c) BIWEEKLY WORK PROGRAMS.—

''(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule for an eligible employee—

''(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

''(B) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved.

''(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for eligible employees only pursuant to the following:

''(A) AGREEMENT.—The program may be carried out only in accordance with—

''(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the eligible employees under applicable law; or

''(ii) in the case of an eligible employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and eligible employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such eligible employee and was not a condition of employment.

''(B) STATEMENT.—The program shall apply to an eligible employee described in subparagraph (A)(ii) if such eligible employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the eligible employee has chosen to participate in the program.

''(C) MINIMUM SERVICE.—No eligible employee may participate, or agree to participate, in the program unless the eligible employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

''(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an eligible employee participating in such a biweekly work program, the eligible employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the eligible employee is employed.

''(4) COMPUTATION OF OVERTIME.—All hours worked by the eligible employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

''(5) OVERTIME COMPENSATION PROVISION.—The eligible employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the eligible employee is employed, in accordance with section 7(a)(1).

''(6) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

''(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for eligible employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the eligible employees who are subject to an agreement described in paragraph (2)(A)(ii).

''(B) WITHDRAWAL.—An eligible employee may withdraw an agreement described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the eligible employee.

''(d) FLEXIBLE CREDIT HOUR PROGRAMS.—

''(1) IN GENERAL.—Notwithstanding section 7, an employer may establish flexible credit hour programs, under which, at the election of an eligible employee, the employer and the eligible employee jointly designate hours for the eligible employee to work that are in excess of the basic work requirement of the eligible employee so that the eligible employee can accrue flexible credit hours to reduce the hours worked in a week or a day subsequent to the day on which the flexible credit hours are worked.

''(2) CONDITIONS.—An employer may carry out a flexible credit hour program described in paragraph (1) for eligible employees only pursuant to the following:

''(A) AGREEMENT.—The program may be carried out only in accordance with—

''(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the eligible employees under applicable law; or

''(ii) in the case of an eligible employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and eligible employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such eligible employee and was not a condition of employment.

''(B) STATEMENT.—The program shall apply to an eligible employee described in subparagraph (A)(ii) if such eligible employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the eligible employee has chosen to participate in the program.

''(C) MINIMUM SERVICE.—No eligible employee may participate, or agree to participate, in the program unless the eligible employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

''(D) HOURS.—An agreement that is entered into under subparagraph (A) shall provide that, at the election of an eligible employee, the employer and the eligible employee will jointly designate, for an applicable workweek, flexible credit hours for the eligible employee to work.

''(E) LIMIT.—An eligible employee shall be eligible to accrue flexible credit hours if the eligible employee has not accrued flexible credit hours in excess of the limit applicable to the eligible employee prescribed by paragraph (3).

''(3) HOUR LIMIT.—

''(A) MAXIMUM HOURS.—An eligible employee who is participating in such a flexible credit hour program may accrue not more than 50 flexible credit hours.

''(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employer of an eligible employee who is participating in such a flexible credit hour program shall provide monetary compensation for any flexible credit hours accrued during the preceding calendar year that were not used prior to December 31 of the preceding calendar year at a rate not less than the regular rate at which the eligible employee is employed on the date the eligible employee receives the compensation. An employer may designate and communicate to the eligible employees of the employer a 12-month period other than the calendar year, in which case the compensation shall be provided not later than 31 days after the end of the 12-month period.

''(4) COMPENSATION FOR FLEXIBLE CREDIT HOURS.—Notwithstanding section 7, in the case of an eligible employee participating in such a flexible credit hour program, the eligible employee shall be compensated for each flexible credit hour at a rate not less than the regular rate at which the eligible employee is employed.

''(5) COMPUTATION OF OVERTIME.—All hours worked by the eligible employee in excess of 40 hours in a week that are requested in advance by the employer, other than flexible credit hours, shall be overtime hours.

''(6) OVERTIME COMPENSATION PROVISION.—The eligible employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the eligible employee is employed, in accordance with section 7(a)(1).

''(7) USE OF TIME.—An eligible employee—

''(A) who has accrued flexible credit hours; and

''(B) who has requested the use of the accrued flexible credit hours,

shall be permitted by the employer of the eligible employee to use the accrued flexible credit hours within a reasonable period after making the request if the use of the accrued flexible credit hours does not unduly disrupt the operations of the employer.

''(8) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

''(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a flexible credit hour program under paragraph (1) may discontinue the program for eligible employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the eligible employees who are subject to an agreement described in paragraph (2)(A)(ii).

''(B) WITHDRAWAL.—An eligible employee may withdraw an agreement described in paragraph (2)(A)(ii) at any time, by submitting a written notice of withdrawal to the employer of the eligible employee. An eligible employee may also request in writing that monetary compensation be provided, at any time, for all flexible credit hours accrued that have not been used. Within 30 days after receiving the written request, the employer shall provide the eligible employee the monetary compensation due at a rate not less than the regular rate at which the eligible employee is employed on the date the eligible employee receives the compensation.

''(e) PROHIBITION OF COERCION.—

''(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any eligible employee for the purpose of—

''(A) interfering with the rights of the eligible employee under this section to elect or not to elect to work a biweekly work schedule;

''(B) interfering with the rights of the eligible employee under this section to elect or not to elect to participate in a flexible credit hour program, or to elect or not to elect to work flexible credit hours (including working flexible credit hours in lieu of overtime hours);

''(C) interfering with the rights of the eligible employee under this section to use accrued flexible credit hours in accordance with subsection (d)(7); or

''(D) requiring the eligible employee to use the flexible credit hours.

''(2) DEFINITION.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

''(f) DEFINITIONS.—In this section:

''(1) BASIC WORK REQUIREMENT.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an eligible employee is required to work or is required to account for by leave or otherwise.

''(2) COLLECTIVE BARGAINING.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the eligible employees of the employer under applicable

law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such eligible employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

''(3) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

''(4) ELECTION.—The term 'at the election of', used with respect to an eligible employee, means at the initiative of, and at the request of, the eligible employee.

''(5) EMPLOYEE.—The term 'employee' means an individual—

''(A) who is an employee (as defined in section 3);

''(B) who is not an employee of a public agency; and

''(C) to whom section 7(a) applies.

''(6) EMPLOYER.—The term 'employer'—

''(A) means an employer (as defined in section 3 or as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)); but

''(B) does not include the General Accounting Office, the Library of Congress, or a public agency.

''(7) FLEXIBLE CREDIT HOURS.—The term 'flexible credit hours' means any hours, within a flexible credit hour program established under subsection (d), that are in excess of the basic work requirement of an eligible employee and that, at the election of the eligible employee, the employer and the eligible employee jointly designate for the eligible employee to work so as to reduce the hours worked in a week on a day subsequent to the day on which the flexible credit hours are worked.

''(8) OVERTIME HOURS.—The term 'overtime hours'—

''(A) when used with respect to biweekly work programs under subsection (c), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer; or

''(B) when used with respect to flexible credit hour programs under subsection (d), means all hours worked in excess of 40 hours in a week that are requested in advance by an employer, but does not include flexible credit hours.

''(9) REGULAR RATE.—The term 'regular rate' has the meaning given the term in section 7(e).''.

(b) REMEDIES.—

(1) PROHIBITIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting ''(A)'' after ''(3)'';

(B) by adding ''or'' after the semicolon; and

(C) by adding at the end the following:

''(B) to violate any of the provisions of section 13A;''.

(2) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(A) in subsection (c)—

(i) in the first sentence—

(I) by inserting after ''7 of this Act'' the following: '', or of the appropriate legal or monetary equitable relief owing to any eligible employee or eligible employees under section 13A''; and

(II) by striking ''wages or unpaid overtime compensation and'' and inserting ''wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and'';

(ii) in the second sentence, by striking ''wages or overtime compensation and'' and inserting ''wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and''; and

(iii) in the third sentence—

(I) by inserting after ''first sentence of such subsection'' the following: '', or the second sentence of such subsection in the event of a violation of section 13A,''; and

(II) by striking ''wages or unpaid overtime compensation under sections 6 and 7 or'' and inserting ''wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or'';

(B) in subsection (e)—

(i) in the second sentence, by striking ''section 6 or 7'' and inserting ''section 6, 7, or 13A''; and

(ii) in the fourth sentence, in paragraph (3), by striking ''15(a)(4) or'' and inserting ''15(a)(4), a violation of section 15(a)(3)(B), or''; and

(C) by adding at the end the following:

''(f)(1) In addition to any amount that an employer is liable under the second sentence of subsection (b) for a violation of a provision of section 13A, an employer that violates section 13A(e) shall be liable to the eligible employee affected for an additional sum equal to that amount.

''(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17.''.

(c) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to eligible employees (as defined in section 13A of such Act) so that the notice reflects the amendments made to the Act by this section.

SEC. 663. TERMINATION.

The authority provided by this subtitle and the amendments made by this subtitle terminates 5 years after the date of enactment of this Act.

SA 3476. Mr. WARNER proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 188, beginning on line 17, strike ''Congress'' and all that follows through line 20, and insert ''the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a plan for the management and oversight of contractor security personnel by Federal Government personnel in areas where the Armed Forces are engaged in military operations. In the preparation of such plan, the Secretary shall coordinate, as appropriate, with the heads of other departments and agencies of the Federal Government that would be affected by the implementation of the plan.''.

SA 3477. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 192, after line 22, insert the following:

(c) COORDINATION.—In the preparation of the report under this section, the Secretary of Defense shall coordinate, as appropriate, with the heads of any departments and agencies of the Federal Government that are involved in the procurement of services for the performance of functions described in subsection (a).

(d) ADDITIONAL CONGRESSIONAL RECIPIENTS.—In addition to submitting the report under this section to the congressional defense committees, the Secretary of Defense shall also submit the report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 3478. Mr. WARNER proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 246, between lines 7 and 8, insert the following:

(d) COORDINATION.—In the preparation of the report under this section, the Secretary of Defense shall coordinate with the heads of any other departments and agencies of the Federal Government that are affected by the performance of Federal Government contracts by contractor personnel in Iraq.

(e) ADDITIONAL CONGRESSIONAL RECIPIENTS.—In addition to submitting the report on contractor security under this section to the congressional defense committees, the Secretary of Defense shall also submit the report to any other committees of Congress that the Secretary determines appropriate to receive such report taking into consideration the requirements of the Federal Government that contractor personnel in Iraq are engaged in satisfying.

SA 3479. Mr. WARNER proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 249, line 16, strike ''(d)'' and insert the following:

(4) The reports under this subsection shall also be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) JOINT UNDERTAKING WITH THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Secretary of Defense shall conduct the review under this section, and submit the reports under subsection (c), jointly with the Director of Central Intelligence.

(e)

SA 3480. Mr. WARNER proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 252, beginning on line 10, strike ''and the congressional defense committees'' and insert '', the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives''.

SA 3481. Mr. WARNER proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 269, line 16, before the period at the end insert ''and, in any case in which section 104(e) of the National Security Act of 1947 (50 U.S.C. 403–4(e)) applies, the Director of Central Intelligence''.

SA 3482. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 112, between the matter following line 5 and line 6, insert the following:

SEC. 574. SENSE OF THE SENATE REGARDING RETURN OF MEMBERS TO ACTIVE DUTY SERVICE UPON REHABILITATION FROM SERVICE-RELATED INJURIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The generation of young men and women currently serving on active duty in the Armed Forces, which history will record as being among the greatest, has shown in remarkable numbers an individual resolve to recover from injuries incurred in such service and to return to active service in the Armed Forces.

(2) Since September 11, 2001, numerous brave soldiers, sailors, airmen, and Marines have incurred serious combat injuries, including (as of June 2004) approximately 100 members of the Armed Forces who have been fitted with artificial limbs as a result of devastating injuries sustained in combat overseas.

(3) In cases involving combat-related injuries and other service-related injuries it is possible, as a result of advances in technology and extensive rehabilitative services, to restore to members of the Armed Forces sustaining such injuries the capability to resume the performance of active military service, including, in a few cases, the capability to participate directly in the performance of combat missions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) members of the Armed Forces who on their own initiative are highly motivated to return to active duty service following rehabilitation from injuries incurred in their service in the Armed Forces, after appropriate medical review should be given the opportunity to present their cases for continuing to serve on active duty in varied military capacities;

(2) other than appropriate medical review, there should be no barrier in policy or law to such a member having the option to return to military service on active duty; and

(3) the Secretary of Defense should develop specific protocols that expand options for such members to return to active duty service and to be retrained to perform military missions for which they are fully capable.

SA 3483. Mr. LEVIN (for Mr. HOLLINGS) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 305, in the table preceding line 1, insert after the item relating to Naval Station Newport, Rhode Island, the following new item:

South Carolina ...	Naval Weapons Station, Charleston.	$18,140,000

On page 305, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ''$833,718,000''.

On page 307, line 8, strike ''$1,825,576,000'' and insert ''$1,843,716,000''.

On page 307, line 11, strike ''$676,198,000'' and insert ''$694,338,000''.

On page 314, line 7, strike ''$2,493,324,000'', as previously amended, and insert ''$2,485,542,000''.

On page 315, line 3, strike ''$863,896,000'' and insert ''$856,114,000''.

On page 322, line 15, strike ''$371,430,000'' and insert ''$361,072,000''.

SA 3484. Mr. WARNER proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 24, between lines 9 and 10, insert the following:

SEC. 133. SENIOR SCOUT MISSION BED-DOWN INITIATIVE.

(a) AMOUNT FOR PROGRAM.—The amount authorized to be appropriated by section 103(1) is hereby increased by $2,000,000, with the amount of the increase to be available for a bed-down initiative to enable the C–130 aircraft of the Idaho Air National Guard to be the permanent carrier of the SENIOR SCOUT mission shelters of the 169th Intelligence Squadron of the Utah Air National Guard.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by $2,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

SA 3485. Mr. LEAHY (for himself, Mr. CORZINE, Mr. KENNEDY, Mr. SCHUMER, and Mr. DURBIN) proposed an amendment to amendment SA 3387 proposed by Mr. LEAHY to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. REQUEST FOR DOCUMENTS AND RECORDS.

The Attorney General shall submit to the Committee on the Judiciary of the Senate all documents and records produced from January 20, 2001, to the present, and in the possession of the Department of Justice, describing, referring or relating to the treatment or interrogation of prisoners of war, enemy combatants, and individuals held in the custody or under the physical control of the United States Government or an agent of the United States Government in connection with investigations or interrogations by the military, the Central Intelligence Agency, intelligence, antiterrorist or counterterrorist offices in other agencies, or cooperating governments, and the agents or contractors of such agencies or governments.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, June 23, 2004, at 9:30 a.m., to conduct a business meeting to consider legislation and committee resolutions.

The meeting will take place in SD–406 (Hearing room).

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

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on June 23, 2004, to review and make recommendations on proposed legislation implementing the U.S.-Australian Free Trade Agreement.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 23, 2004, at 10 a.m., to hold a hearing on Nominations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 23, 2004, at 3 p.m., to hold a briefing on Iraq.

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

COMMITTTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 23, 2004, at 11:30 a.m., to consider the

nomination of David M. Stone to be Assistant Secretary of Homeland Security, Transportation Security Administration.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 23, 2004, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on Indian Tribal Detention Facilities.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 23, 2004 at 10 a.m. on ''The Law of Biologic Medicine'' in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: Dr. Lester Crawford, Acting Commissioner, Food and Drug Administration, Rockville, MD; and Mr. Daniel Troy, Associate General Counsel, Food and Drug Administration, Rockville, MD.

Panel II: Mr. David Beier, Senior Vice President, Global Regulatory Affairs, Amgen, Washington, DC; Mr. William B. Schultz, Zuckerman Spaeder LLP, Washington, DC; Carole Ben-Maimon, M.D., President and Chief Operating Officer, Barr Laboratories, Bala Cynwyd, PA; and William Hancock, M.D., Bradstreet Chair of Bioanalytical Chemistry, Northeastern University, Boston, MA.

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

SUBCOMMITTEE ON COMPETITION, FOREIGN COMMERCE, AND INFRASTRUCTURE

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Competition, Foreign Commerce, and Infrastructure be authorized to meet on Wednesday, June 23, 2004, at 2 p.m. on Peer-to-Peer (P2P).

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

SUBCOMMITTEE ON FINANCIAL MANAGEMENT, THE BUDGET, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Government Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Wednesday, June 23, 2004, at 2:30 p.m. for a hearing entitled, ''International Smuggling Networks: Weapons of Mass Destruction Counterproliferation Initiatives.''

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 23, at 2:30 p.m. The purpose of the hearing is to review the grazing programs of the Bureau of Land Management and the Forest Service, including permit renewals recent and proposed changes to grazing regulations and related issues. The hearing will also examine the Wild Horse and Burro Program, as it relates to grazing, and the administration's proposal for sage-grouse habitat conservation.

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

SUBCOMMITTEE ON PRODUCTION AND PRICE COMPETITIVENESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Production and Price Competitiveness of the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, June 23, 2004. The purpose of this meeting will be to examine proposed legislation permitting the Administrator of the Environmental Protection Agency to register Canadian pesticides. Agenda: S. 1406.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Peter Adelman on my staff have the right to the Senate floor for today's business.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Michael Zabrensky, a detailee on my staff, during the remainder of this Congress.

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

Mr. REID. Mr. President, I ask consent that Mr. PAUL Thanos, a legislative fellow in the office of MARIA CANTWELL, be granted floor privileges for the remainder of the consideration of this bill.

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

NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 390, which was submitted earlier today by Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 390) designating September 9, 2004, as ''National Fetal Alcohol Spectrum Disorders Day.''

The PRESIDING OFFICER. Is there objection to proceeding to the measure at this time?

Mr. DASCHLE. Mr. President, reserving the right to object, I ask unanimous consent to be added as a cosponsor of the resolution.

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

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, the notion of reflecting for a moment at 9:09 a.m. on September 9, to recognize that during the 9 months of a pregnancy a woman should consume no alcohol, originated with three individuals. They weren't lobbyists or public relations consultants or social marketing experts. They were parents raising fetal alcohol children.

In February of 1999, Bonnie Buxton and Brian Philcox of Toronto, Canada and Teresa Kellerman of Tuscon, AZ, all parents of fetal alcohol children, asked each other a question.

The question was, ''What if a world full of fetal alcohol parents all got together on the ninth hour, of the ninth day of the ninth month of the year and asked the world to remember that during the nine months of pregnancy a woman should not drink alcohol?'' They asked, ''Would the world listen?''

This simple question launched a worldwide, grassroots movement, organized on e-mail list serves and on the World Wide Web to ask that communities everywhere observe Fetal Alcohol Syndrome Awareness Day on September 9. The first International Fetal Alcohol Syndrome Awareness Day, or FASDAY as it is known, was observed on September 9, 1999. In the ensuing years, the number of communities observing FASDAY has grown and grown. I am proud that my State of Alaska strongly supports the observance of FASDAY and has published a kit of materials to help communities in my State and elsewhere plan their local observances.

Thanks to the support of my colleagues on both sides of the aisle, the U.S. Senate will add its voice in support of this worldwide observance, with the adoption of my resolution designating September 9, 2004, as National Fetal Alcohol Spectrum Disorders Day, which is the new name for FASDAY. I especially appreciate the support of the distinguished minority leader, a longstanding supporter of the fight against fetal alcohol related diseases and a founder of the National Organization on Fetal Alcohol Syndrome.

We choose to call September 9 National Fetal Alcohol Spectrum Disorders Day because science has established that Fetal Alcohol Syndrome is just one of a number of disorders that can befall a child born to a woman that consumes alcohol during pregnancy. The number of children born with Fetal Alcohol Syndrome each year dwarfs the number born with fetal alcohol spectrum disorders.

But whatever you call it, women must know that consumption of alcohol during pregnancy is the single largest contributor to mental retardation,

learning disabilities and birth defects, and all of the fetal alcohol spectrum disorders are completely preventable if a woman consumes no alcohol during the 9 months of pregnancy.

By adopting this resolution we honor Bonnie and Brian and Teresa and all of the grassroots volunteers who have worked so hard in their communities around the globe to educate women about the dangers of alcohol during pregnancy and we recognize the States, counties and cities that have answered the call and organized local observances around International Fetal alcohol Syndrome Awareness Day.

A message is simple—alcohol and pregnancy don't mix. No alcohol during the 9 months of pregnancy, period. The world is listening.

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 this matter be printed in the RECORD.

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

The resolution (S. Res. 390) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 390

Whereas the term ''fetal alcohol spectrum disorders'' has replaced fetal alcohol syndrome as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of mental retardation in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas the economic cost of fetal alcohol syndrome alone to the Nation was $5,400,000,000 in 2003 and that each individual with fetal alcohol syndrome will cost United States taxpayers between an estimated $1,500,000 and $3,000,000 in his or her lifetime;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, stated the purpose of the observance as: ''What if . . . a world full of FAS/E parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?''; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2004, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to—

(A) observe ''National Fetal Alcohol Spectrum Disorders Awareness Day'' with appropriate ceremonies to—

(i) promote awareness of the effects of prenatal exposure to alcohol;

(ii) increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) minimize further effects; and

(iv) ensure healthier communities across the United States; and

(B) observe a moment of reflection on the ninth hour of September 9, 2004, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART III

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 4635, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4635) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4635) was read the third time and passed.

AFRICAN GROWTH AND OPPORTUNITY ACT

Mr. FRIST. Mr. President, the House passed an African Growth and Opportunity Act extension by voice vote last week. This is an important bill for the continued economic development of sub-Saharan Africa.

To date, AGOA, as it is known—the African Growth and Opportunity Act—has created 150,000 jobs, some believe even many more than that.

We cleared that House bill on our side of the aisle last week. We are waiting for some other clearances from the other side of the aisle.

Initially, we were going to ask UC this evening to call up the bill and pass the House bill today. I think we are making tremendous progress. We have had discussions on the floor on both sides of the aisle today, and therefore I will withhold making that unanimous consent request. I am very hopeful, based on progress, that with some further discussions we will be able to clear this bill tomorrow.

Our intention is to clear the bill or, if not, to formally ask unanimous consent to pass the bill before we adjourn for the July 4 recess, given the importance of this bill.

Mr. DASCHLE. Mr. President, if the majority leader will yield.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will just confirm the conversations that the majority leader alluded to. I think we have made real progress, certainly, on both sides of the aisle. There are a couple of other consultations required, but it would be my hope that before the end of the week we would be able to complete our work on the AGOA bill.

This is an important piece of legislation. It has demonstrated its job-building capacity in Africa in particular. We are very hopeful that we can continue that success in the years ahead by reauthorizing this important legislation. So we will have more to say about this tomorrow.

Daily Digest

HIGHLIGHTS

Senate passed the Ronald W. Reagan National Defense Authorization Act.

The House passed H.R. 4548, Intelligence Authorization Act for Fiscal Year 2005.

House Committees ordered reported 10 sundry measures, including the following appropriations for fiscal year 2005: Commerce, Justice, State, Judiciary and Related Agencies; Agriculture, Rural Development, Food and Drug Administration and Related Agencies; and Legislative.

Senate

Chamber Action

Routine Proceedings, pages S7277–S7347

Measures Introduced: Eleven bills and two resolutions were introduced, as follows: S. 2561–2571, and S. Res. 389–390. **Page S7311**

Measures Passed:

Child Nutrition and WIC Reauthorization Act: Senate passed S. 2507, to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, after agreeing to the following amendment proposed thereto: **Pages S7244–65**

Crapo (for Cochran/Harkin) Amendment No. 3474, in the nature of a substitute. **Pages S7249–65**

Ronald W. Reagan National Defense Authorization Act: By a unanimous vote of 97 yeas (Vote No. 146), Senate passed S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, after taking action on the following amendments proposed thereto:

Pages S7204–21, S7223–26, S7230, S7277–99

Adopted:

Bond Further Modified Amendment No. 3384, to include certain former nuclear weapons program workers in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program and to provide for the disposal of certain excess Department of Defense stocks for funds for that purpose. **Pages S7204, S7218–21**

By 71 yeas to 27 nays (Vote No. 137), Warner (for McConnell) Amendment No. 3472, to require a report on the stabilization of Iraq.

Pages S7207–10, S7224

Feingold Modified Amendment No. 3288, to rename and modify the authorities relating to the Inspector General of the Coalition Provisional Authority. **Pages S7204, S7267–68**

Landrieu/Snowe Modified Amendment No. 3315, to substitute the substantive text of S. 1916, but without the restriction on the maximum premium chargeable for SBP participation initiated by enrollment during the special period of open enrollment.

Pages S7204, S7268–70

Reid (for Akaka) Modified Amendment No. 3414, to provide for a report on the recruitment and retention of individuals with foreign language skills.

Pages S7204, S7270–71

Warner (for Inhofe) Modified Amendment No. 3280, to reauthorize energy saving performance contracts. **Pages S7204, S7211, S7273–74**

Levin (for Reed/Kohl) Modified Amendment No. 3355, to clarify the fiscal year 2004 funding level for a National Institute of Standards and Technology account. **Pages S7205, S7271**

Warner (for Lott) Amendment No. 3220, to repeal the authority of the Secretary of Defense to recommend that installations be placed in inactive status as part of the recommendations of the Secretary

during the 2005 round of defense base closure and realignment. **Pages S7204, S7271**

Warner (for Bennett/Hatch) Modified Amendment No. 3373, to require a report on encroachment issues affecting Utah Test and Training Range, Utah. **Page S7204**

Bingaman Modified Amendment No. 3459, to require reports on the detainment of foreign nationals by the Department of Defense and on Department of Defense investigations of allegations of violations of the Geneva Convention. **Pages S7271–72**

Levin (for Dodd) Modified Amendment No. 3311, to provide for a report on offset requirements under certain contracts. **Pages S7204, S7272**

Warner Amendment No. 3476, to provide for appropriate coordination in the preparation of the management plan for contractor security personnel. **Page S7272**

Warner Amendment No. 3477, to provide for appropriate coordination in the preparation of the report on contractor performance of security, intelligence, law enforcement, and criminal justice functions, and to add other congressional committee recipients for the report. **Page S7272**

Warner Amendment No. 3478, to provide for appropriate coordination in the preparation of the report on contractor security in Iraq, and to add other congressional committee recipients for the report. **Page S7272**

Warner Amendment No. 3479, to provide for the space posture review to be a joint undertaking of the Secretary of Defense and the Director of Central Intelligence. **Page S7272**

Warner Amendment No. 3480, to add the Select Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives as recipients of the report of the panel on the future of military space launch. **Page S7272**

Warner Amendment No. 3481, to add the Director of Central Intelligence as an approving official for Department of Defense assistance to Iraq and Afghanistan military and security forces in certain cases. **Page S7272**

Levin (for Reid/Lieberman) Modified Amendment No. 3342, to require a plan on the implementation and utilization of flexible personnel management authorities in Department of Defense laboratories. **Pages S7272–73**

Warner/Levin Amendment No. 3482, to express the sense of the Senate regarding the return of members of the Armed Forces to active service upon rehabilitation from service-related injuries. **Page S7273**

Levin (for Hollings) Amendment No. 3483, to authorize, and authorize the appropriation of, $18,140,000 for military construction at Navy Weapons Station, Charleston, South Carolina, for the construction of a consolidated electronic integration and support facility to house the command and control systems engineering and design work of the Space and Naval Warfare Systems Center, Charleston, and to provide offsets, including the elimination of the authorization of appropriations of $10,358,000 for military construction at Charleston, South Carolina, for the construction of a readiness center for the Army National Guard. **Page S7273**

Warner Amendment No. 3484, to add an amount for a bed-down initiative to enable the C–130 aircraft of the Idaho Air National Guard to be the permanent carrier of the SENIOR SCOUT mission shelters of the 169th Intelligence Squadron of the Utah Air National Guard. **Pages S7218–21, S7273**

Daschle Amendment No. 3468 (to Amendment No. 3409), to assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation. **Pages S7204, S7274**

Reid (for Leahy) Amendment No. 3387, relative to the treatment of foreign prisoners. (By 45 yeas to 50 nays (Vote No. 143), Senate earlier failed to table the amendment.) **Pages S7204, S7288**

Rejected:

By 48 yeas to 50 nays (Vote No. 138), Levin (for Kennedy) Amendment No. 3377, to require reports on the efforts of the President to stabilize Iraq and relieve the burden on members of the Armed Forces of the United States deployed in Iraq and the Persian Gulf region. **Pages S7204, S7225**

By 45 yeas to 53 nays (Vote No. 139), Reed Amendment No. 3353, to limit the obligation and expenditure of funds for the Ground-based Midcourse Defense program pending the submission of a report on operational test and evaluation. **Pages S7204, S7210–13, S7225**

By 40 yeas to 58 nays (Vote No. 140), Levin (for Byrd) Amendment No. 3423, to modify the number of military personnel and civilians who may be assigned or retained in connection with Plan Colombia. **Pages S7204, S7213–18, S7225–26**

By 46 yeas to 50 nays (Vote No. 144), Leahy/Corzine Amendment No. 3485 (to Amendment No. 3387), to direct the Attorney General to submit to the Committee on the Judiciary of the Senate all documents in the possession of the Department of Justice relating to the treatment and interrogation of individuals held in the custody of the United States. **Pages S7274–75, S7288–89**

Withdrawn:

Levin (for Feingold) Amendment No. 3400, to enable military family members to take leave to attend to deployment-related business and tasks. **Pages S7204, S7265–67**

Warner Amendment No. 3460 (to Amendment No. 3459), in the nature of a substitute. **Page S7204**

Warner (for Bennett) Amendment No. 3403, to prohibit a full-scale underground nuclear test of the Robust Nuclear Earth Penetrator weapon without a specific authorization of Congress. **Page S7204**

Warner (for McCain) Amendment No. 3442, to impose requirements for the leasing of aerial refueling aircraft for the Air Force. **Page S7204**

Warner (for McCain) Amendment No. 3443, to impose requirements for the aerial refueling aircraft program of the Air Force. **Page S7204**

Warner (for McCain) Amendment No. 3444, to restrict leasing of aerial refueling aircraft by the Air Force. **Page S7204**

Warner (for McCain) Amendment No. 3445, to prohibit the leasing of Boeing 767 aircraft by the Air Force. **Page S7204**

Levin (for Biden/Lugar) Amendment No. 3378, to provide certain authorities, requirements, and limitations on foreign assistance and arms exports. **Page S7204**

Levin (for Byrd) Amendment No. 3286, to restrict acceptance of compensation for contractor employment of certain executive branch policymakers after termination of service in the positions to which appointed. **Page S7204**

Levin (for Daschle) Amendment No. 3328, to require the Secretary of the Air Force to maintain 3 additional B–1 bomber aircraft, in addition to the current fleet of 67 B–1 bomber aircraft, as an attrition reserve for the B–1 bomber aircraft fleet. **Page S7204**

Levin (for Daschle) Amendment No. 3330, to authorize the provision to Indian tribes of excess nonlethal supplies of the Department of Defense. **Page S7204**

Levin (for Dayton) Amendment No. 3203, to require a periodic detailed accounting of costs and expenditures for Operation Iraqi Freedom, Operation Enduring Freedom, and all other operations relating to the Global War on Terrorism. **Page S7204**

Levin (for Dodd) Amendment No. 3310, to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to the Federal law enforcement officers in certain high-cost areas. **Page S7204**

Levin (for Graham) (FL)) Amendment No. 3300, to amend the Haitian Refugee Immigration Fairness Act of 1998. **Page S7204**

Levin (for Leahy) Amendment No. 3388, to obtain a full accounting of the programs and activities of the Iraqi National Congress. **Page S7204**

Levin Amendment No. 3336, to authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process. **Page S7204**

Levin (for Kennedy) Amendment No. 3201, to assist school districts serving large numbers or percentages of military dependent children affected by the war in Iraq or Afghanistan, or by other Department of Defense personnel decisions. **Page S7204**

Ensign Amendment No. 3467 (to Amendment No. 3315), to provide a fiscally responsible open enrollment authority. (Senate vitiated earlier adoption of the amendment). **Pages S7204, S7269**

During consideration of this measure today, Senate also took action the following action:

By 49 yeas to 49 nays (Vote No. 136), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974 with respect to Levin (for Corzine) Amendment No. 3303, to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55. Subsequently, the point of order that the amendment would increase mandatory spending, was sustained, and the amendment thus fell. **Pages S7223–24**

A unanimous-consent agreement was reached providing that Senator Smith be authorized to change his vote from nay to yea with respect to Vote No. 129 (changing the vote tally to 94 yeas to 3 nays), on Reed Amendment No. 3352, to increase the end strength for active duty personnel of the Army for fiscal year 2005 by 20,000 to 502,400, agreed to on June 17, 2004.

Warner (for Gregg) Amendment No. 3475 (to Amendment No. 3400), to enable military family members to take time off to attend to deployment-related business, tasks, and other family issues, fell when Levin (for Feingold) Amendment No. 3400 (listed above) was withdrawn. **Pages S7265–67**

By 49 yeas to 48 nays (Vote No. 145), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Reid (for Daschle) Amendment No. 3409, to assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation. Subsequently, the point of order that the amendment would increase mandatory spending, was sustained, and the amendment thus fell. **Page S7204, S7289–90**

Department of Defense Authorization: Senate passed S. 2401, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, and to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 2400, National Defense Authorization, as amended. **Page S7300**

Military Construction Authorization: Senate passed S. 2402, to authorize appropriations for fiscal year 2005 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 2400, National Defense Authorization, as amended. **Page S7300**

Department of Energy Defense Activities Authorization: Senate passed S. 2403, to authorize appropriations for fiscal year 2005 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 2400, National Defense Authorization, as amended. **Pages S7300–01**

National Defense Authorization: Senate passed H.R. 4200 to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2400, Senate companion measure, as amended and passed by the Senate. **Page S7300**

National Fetal Alcohol Spectrum Disorders Day: Senate agreed to S. Res. 390, designating September 9, 2004, as ''National Fetal Alcohol Spectrum Disorders Day''. **Pages S7346–47**

Surface Transportation Extension Act: Senate passed H.R. 4635, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, clearing the measure for the President. **Page S7347**

Class Action Fairness Act—Agreement: A unanimous-consent agreement was reached providing that the previous order with respect to S. 2062, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, be vitiated, and the Senate then proceed to its consideration upon the disposition of the Defense Appropriations Bill.

Nomination Agreement: A unanimous-consent agreement was reached providing that at 10 a.m., on Thursday, June 24, Senate begin consideration of the nomination of John C. Danforth, of Missouri, to be a U.S. Representative to the United Nations, with the rank and status of Ambassador, and the U.S. Representative in the Security Council of the United Nations, and to be U.S. Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as U.S. Representative to the United Nations. **Page S7275**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 98 yeas (Vote No. Ex. 141), Juan R. Sanchez, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania. **Pages S7226–28, S7276**

By unanimous vote of 94 yeas (Vote No. Ex. 142), Walter D. Kelley, Jr., of Virginia, to be United States District Judge for the Eastern District of Virginia. **Pages S7228–29, S7276**

Messages From the House: **Page S7306**

Measures Referred: **Page S7306**

Measures Placed on Calendar: **Page S7306**

Enrolled Bills Presented: **Page S7306**

Executive Communications: **Pages S7306–08**

Petitions and Memorials: **Pages S7308–11**

Additional Cosponsors: **Pages S7311–12**

Statements on Introduced Bills/Resolutions: **Pages S7313–26**

Additional Statements: **Pages S7303–06**

Amendments Submitted: **Pages S7326–45**

Authority for Committees to Meet: **Pages S7345–46**

Privilege of the Floor: **Page S7346**

Record Votes: Eleven record votes were taken today. (Total—146) **Pages S4821–24, S7288–90, S7299**

Adjournment: Senate convened at 9:31 a.m., and adjourned at 11:45 p.m., until 10 a.m., on Thursday, June 24, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S7275–76.)

Committee Meetings

(Committees not listed did not meet)

PESTICIDE AND PRICE COMPETITIVENESS

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Production and Price Competitiveness concluded a hearing to examine S. 1406, to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit the Administrator of the Environmental Protection Agency to register a Canadian pesticide, after receiving testimony from Senator Dorgan; Adam Sharp, Associate Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances, Environmental Protection Agency; Jim Gray, North Dakota Department of Agriculture, Bismarck, on behalf of the National Association of State Departments of Agriculture; Mark Gage, Page, North Dakota, on behalf of the National Association

of Wheat Growers; and Jay Vroom, CropLife America, Washington, D.C.

PEER-TO-PEER TECHNOLOGY

Committee on Commerce, Science, and Transportation: Subcommittee on Competition, Foreign Commerce, and Infrastructure concluded a hearing to examine the potential benefits and detriments to both consumers and content providers from the anticipated uses of internet peer-to-peer file distribution technology in the future, focusing on ''filesharing'' of film and music, after receiving testimony from Howard Beales III, Director, Bureau of Consumer Protection, Federal Trade Commission; John Rose, EMI Group and EMI Music, New York, New York; Michael Weiss, StreamCast Networks, Inc., Woodland Hills, California; Les Ottolenghi, INTENT MediaWorks, LLC, Atlanta, Georgia; and Curt Pederson, Oregon State University Corvallis.

GRAZING REGULATIONS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine the grazing programs of the Bureau of Land Management and the Forest Service, including permit renewals, recent and proposed changes to grazing regulations, and the Wild Horse and Burro program, as it relates to grazing, and the Administration's proposal for sagegrouse habitat conservation, after receiving testimony from Jim Hughes, Deputy Director, Bureau of Land Management, Department of the Interior; Tom L. Thompson, Deputy Chief, National Forest System, Department of Agriculture; Peter Andrew Groseta, Cottonwood, Arizona, on behalf of the Public Lands Council and the National Cattlemen's Beef Association; Mike G. Casabonne, New Mexico Public Lands Council, Hope; and Bob M. Skinner, Oregon Cattlemen's Association, Jordon Valley.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following bills:

S. 2550, to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States, with amendments;

S. 2495, to strike limitations on funding and extend the period of authorization for certain coastal wetland conservation projects;

H.R. 2408, to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges;

S. 2547, to amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act;

S. 2554, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, with an amendment in the nature of a substitute;

S. 1134, to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965, with amendments;

H.R. 1572, to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse'';

S. 2385, to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''; and

S. 2398, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of June Carter Perry, of the District of Columbia, to be Ambassador to the Kingdom of Lesotho, Joyce A. Barr, of Washington, to be Ambassador to the Republic of Namibia, R. Barrie Walkley, of California, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe, James D. McGee, of Florida, to be Ambassador to the Republic of Madagascar, Cynthia G. Efird, of the District of Columbia, to be Ambassador to the Republic of Angola, Jackson McDonald, of Florida, to be Ambassador to the Republic of Guinea, and Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Zimbabwe, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Governmental Affairs: Committee concluded a hearing to examine the nomination of David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security, after the nominee testified and answered questions in his own behalf.

WMD SMUGGLING NETWORKS

Committee on Governmental Affairs: Subcommittee on Financial Management, the Budget, and International Security concluded a hearing to examine U.S. efforts to address the threat posed by the international smuggling weapons of mass destruction technologies, and U.S. programs and initiatives, including the Proliferation Security Initiative, to counter these proliferation threats, after receiving

testimony from Peter Lichtenbaum, Assistant Secretary of Commerce for Export Administration; Mark T. Fitzpatrick, Acting Deputy Assistant Secretary of State for Nonproliferation Controls; David Albright, Institute for Science and International Security, Michael Moodie, Chemical and Biological Arms Control Institute, and Baker Spring, Heritage Foundation, all of Washington, D.C.; and Leonard S. Spector, Monterey Institute of International Studies Center for Nonproliferation Studies, Monterey, California.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S.J. Res. 37, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian Tribes and offer an apology to all Native Peoples on behalf of the United States, with an amendment in the nature of a substitute; and

S. 1996, to enhance and provide to the Oglada Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program, with an amendment in the nature of a substitute

INDIAN TRIBAL DETENTION FACILITIES

Committee on Indian Affairs: Committee concluded an oversight hearing to examine issues and problems related to Bureau of Indian Affairs' tribal detention facilities, focusing on prison deaths and suicides, prisoner escapes, and police officer safety, after receiving testimony from Earl E. Devaney, Inspector General, David W. Anderson, Assistant Secretary for Indian Affairs, both of the Department of the Interior; Tracy Henke, Principal Deputy Assistant Attorney General, Department of Justice; Howard D. Richards, Sr., Southern Ute Indian Tribe, Ignacio, Colorado; Vivian Juan-Saunders, Hope MacDonald-Lonetree, Navajo Nation, Window Rock, Arizona; Tohono O'odham Nation, Sells, Arizona; Darrel Martin, Fort Belknap Indian Community Council, Harlem, Montana; and Fred Guardipee, Blackfeet Tribal Business Council, Browning, Montana.

BIOLOGIC MEDICINE

Committee on the Judiciary: Committee concluded a hearing to examine the law of biologic medicine, focusing on scientific and legal limitations of the use of biologics which are drugs derived from living material, after receiving testimony from Lester M. Crawford, Acting Commissioner of Food and Drugs, and Daniel Troy, Associate General Counsel, both of the Food and Drug Administration, Department of Health and Human Services; David Beier, Amgen Inc., and William B. Schultz, Zuckerman Spaeder LLP, on behalf of the Generic Pharmaceutical Association, both of Washington, D.C.; Carole Ben-Maimon, Barr Research, Inc., Bala Cynwyd, Pennsylvania; and William Hancock, Northeastern University, Boston, Massachusetts.

House of Representatives

Chamber Action

Measures Introduced: 26 public bills, H.R. 4651–4676; and 6 resolutions, H. Con. Res. 462–464, and H. Res. 689–691 were introduced.

Pages H4892–94

Additional Cosponsors: **Page H4894**

Reports Filed: Reports were filed today as follows:

H.R. 1156, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project (H. Rept. 108–562);

H.R. 646, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, amended (H. Rept. 108–563);

H.R. 142, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, amended (H. Rept. 108–564); and

H.R. 4056, to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation, amended (H. Rept. 108–565, Pt. 1).

H. Res. 692, providing for consideration of the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009 (H.Rept. 108-566); and

H. Res. 693, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H.Rept. 108-567). **Pages H4857, H4892**

Speaker: Read a letter from the Speaker wherein he appointed Representative Shaw to act as Speaker Pro Tempore for today. **Page H4767**

Chaplain: The Prayer was offered today by Rev. Jack Davidson, Pastor, Redeemer Lutheran Church in Lancaster, Ohio. **Page H4767**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Surface Transportation Extension Act of 2004, Part III: H.R. 4635, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, by a 2/3 yea-and-nay vote of 418 yeas with none voting ''nay'', Roll No. 288; **Pages H4778–85, H4822–23**

United States International Leadership Act of 2004: H.R. 4053, to improve the workings of international organizations and multilateral institutions, by a 2/3 yea-and-nay vote of 365 yeas to 56 nays, Roll No. 289; **Pages H4785–89, H4823–24**

Regarding the Security of Israel and the Principles of the Middle East Peace: H. Con. Res. 460, regarding the security of Israel and the principles of peace in the Middle East, by a 2/3 yea-and-nay vote of 407 yeas to 9 nays, and 3 voting ''present'', Roll No. 290; **Pages H4789–H4802, H4823–24**

Identity Theft Penalty Enhancement Act: H.R. 1731, amended, to amend title 18, United States Code, to establish penalties for aggravated identity theft; **Pages H4808–12**

Law Enforcement Officers Safety Act of 2003: H.R. 218, amended, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; **Pages H4811–18**

Amending United States Code regarding the Department of Veteran's Affairs home loan guaranty program: H.R. 4345, to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs. **Pages H4818–21**

Suspension—Proceedings Postponed: The House completed debate on the following measure. Further proceedings were postponed.

Recognizing the 40th Anniversary of Congressional passage of the Civil Rights Act of 1964: H. Res. 676, recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964. **Pages H4802–08**

Intelligence Authorization Act for FY 2005: The House passed H.R. 4548, to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a recorded vote of 360 ayes to 61 nays, Roll No. 300. **Page H4770–78, H4859–80**

Agreed that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill be considered as an original bill for the purpose of amendment. **Page H4876**

Rejected the Dicks motion to strike the enacting clause by voice vote.

On the demand for a separate vote on the Sam Johnson of Texas amendment agreed to in the Committee on the Whole, the House agreed to the amendment by a recorded vote of 304 ayes to 116 noes, Roll No. 298. **Pages H4870–71, H4876–77**

Rejected the Peterson of Minnesota motion to recommit the bill to the Permanent Select Committee on Intelligence with instructions to report the bill back to the House forthwith with an amendment by a yea-and-nay vote of 197 yeas to 224 nays, Roll No. 299. **Pages H4877–79**

Agreed to:

Goss amendment (No. 1 printed in H. Rept. 108–561) that restores the authorization for funds for the National Drug Intelligence Center to the level requested by the President in the fiscal year 2005 budget request; **Pages H4839–40**

Gallegly amendment (No. 2 printed in H. Rept. 108–561) that amends current law regarding designations of Foreign Terrorist Organizations; **Pages H4840–42**

Ackerman amendment (No. 6 printed in H. Rept. 108–561) that requires the Director of Central Intelligence to report to the appropriate committees of Congress on weapons of mass destruction in Pakistan and Pakistani efforts to fight terrorism and strengthen democratic institutions; **Pages H4852–53**

Boehlert amendment (No. 3 printed in H. Rept. 108–561), as modified, that expresses the sense of Congress regarding the dismantling and removal of

weapons of mass destruction in Libya and other countries (by a recorded vote of 335 ayes to 83 noes, Roll No. 291); **Pages H4842–46, H4871–72**

Sam Johnson of Texas amendment (No. 4 printed in H. Rept. 108–561) that expresses the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental to the successful prosecution of the Global War on Terror (by a recorded vote of 366 ayes to 51 noes, Roll No. 292); **Pages H4846–48, H4872**

Rogers of Michigan amendment (No. 5 printed in H. Rept. 108–561) that expresses the sense of Congress in support of the efforts of the Intelligence Community (by a recorded vote of 222 ayes to 195 noes, Roll No. 293); **Pages H4848–52, H4872–73**

Shays amendment (No. 7 printed in H. Rept. 108–561) that expresses the sense of Congress that the head of each element of the Intelligence Community should make available to committees of Congress with jurisdiction, information relating to the Office of Iraq Oil-for-Food Program of the United Nations (by a recorded vote of 419 ayes with none voting ''no,'' Roll No. 294); **Pages H4853–55, H4873–74**

Kucinich amendment (No. 8 printed in H. Rept. 108–561) that directs the Inspector General of the CIA to audit the evidence of relationship, existing prior to 9/11/2001, between the regime of Saddam Hussein and al-Qaeda (by a recorded vote of 343 ayes to 76 noes, Roll No. 295); and **Pages H4855, H4874**

Simmons amendment (No. 9 printed in H. Rept. 108–561) that directs the Director of Central Intelligence to report to Congress on the progress the Intelligence Community is making in utilizing Open Source Intelligence (by a recorded vote of 417 ayes to 1 no, Roll No. 296). **Pages H4866–67, H4874–75**

Rejected:

Reyes amendment (No. 10 printed in H. Rept. 108–561) that sought to withhold funding for certain intelligence programs until the appropriate congressional committees receive all documents related to the handling and treatment of detainees in Iraq, Afghanistan, Guantanamo Bay and elsewhere (by a recorded vote of 149 ayes to 270 noes, Roll No. 297). **Pages H4867–70, H4875–76**

Agreed that the Clerk be authorized to make technical and conforming changes to the bill as necessary to reflect the actions of the House. **Page H4880**

H. Res. 686, the rule providing for consideration of the bill was agreed to by a recorded vote of 220 ayes to 200 noes, Roll No. 287, after agreeing to order the previous question by a yea-and-nay vote of 222 yeas to 200 nays, Roll No. 286. **Pages H4821–22**

Resolution Congratulating the Interim Government of Iraq—Order of Business: Agreed that it be in order at any time to consider H. Res. 691, congratulating the interim government of Iraq on its assumption of full responsibility and authority as a sovereign government; that the resolution shall be considered as read for amendment; that the resolution be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and that the previous question be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question. **Page H4880**

Senate Message: Message received from the Senate today appears on pages H4767, H4880.

Senate Referral: S.J. Res. 33 and S. 2507 were ordered held at the desk.

Amendments: Amendments ordered printed pursuant to the rule appear on page H4894.

Quorum Calls—Votes: Five yea-and-nay votes and ten recorded votes developed during the proceedings of today and appear on pages H4821–22, H4822, H4822–23, H4823, H4823–24, H4871–72, H4872, H4872–73, H4873–74, H4874, H4874–75, H4875–76, H4876–77, H4878–79 and H4879–80. There were no quorum calls.

Recess: The House recessed at 11:59 p.m. and reconvened at 8 a.m. on Thursday, June 24. **Page H4890**

Adjournment: The House met at 10 a.m. and adjourned at 8:02 a.m. on Thursday, June 24.

Committee Meetings

AGRICULTURAL BIOTECHNOLOGY REVIEW

Committee on Agriculture: Subcommittee on Conservation, Credit, Rural Development, and Research held a hearing to review Agricultural Biotechnology. Testimony was heard from public witnesses.

COMMERCE, JUSTICE, STATE, JUDICIARY AND RELATED AGENCIES; AGRICULTURE RURAL DEVELOPMENT, FDA AND RELATED AGENCIES; AND LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2005: Commerce, Justice, State, Judiciary and Related Agencies; Agriculture, Rural Development, Food and Drug Administration and Related Agencies; and Legislative.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing, and Related Programs

approved for full Committee action the Foreign Operations, Export Financing and Related Programs appropriations for fiscal year 2005.

U.S. GLOBAL DEFENSE FOOTPRINT

Committee on Armed Services: Held a hearing on the U.S. global defense footprint. Testimony was heard from the following officials of the Department of Defense: Douglas J. Feith, Under Secretary, Policy; and LTG James E. Cartwright, USMC, Director, Force Structure, Resources and Assessment (J8), Joint Chiefs of Staff, and Ray DuBois, Deputy Under Secretary, Installations and Environment; and Lincoln P. Bloomfield, Jr., Assistant Secretary, Bureau of Political-Military Affairs, Department of State.

NO CHILD LEFT BEHIND

Committee on Education and the Workforce: Held a hearing entitled ''No Child Left Behind: Raising Student Achievement in America's Big City Schools.'' Testimony was heard from public witnesses.

TRAVEL, TOURISM, AND HOMELAND SECURITY

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled ''Travel, Tourism, and Homeland Security: Improving Both without Sacrificing Either.'' Testimony was heard from C. Stewart Verdery, Jr., Assistant Secretary, Border and Transportation Security Directorate, Department of Homeland Security; and public witnesses.

PROTECTING HOMELAND SECURITY

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''Protecting Homeland Security: A Status Report on Interoperability Between Public Safety Communications Systems.'' Testimony was heard from David Boyd, Deputy Director, Office of Systems Engineering and Development, Department of Homeland Security; John B. Muleta, Bureau Chief, Wireless Telecommunications, FCC; Robert Legrande, Deputy Chief Technology Officer, District of Columbia; and a public witness.

PROMOTING HOMEOWNERSHIP

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit and the Subcommittee on Housing and Community Opportunity held a joint hearing entitled ''Promoting Homeownership by Ensuring Liquidity in the Subprime Mortgage Market.'' Testimony was heard from Pamela Kogut, Assistant Attorney General, State of Massachusetts; and public witnesses.

CONSULTING CONTRACT; D.C. DIRECT REPRESENTATION PROPOSALS

Committee on Government Reform: Approved a Consulting Contract.

The Committee also held a hearing entitled ''Common Sense Justice for the Nation's Capital: An Examination of Proposals to Give D.C. Residents Direct Representation.'' Testimony was heard from Representatives Regula and Rohrabacher; the following officials of the District of Columbia: Anthony A. Williams, Mayor; and Linda W. Cropp, Chairman, Council; and public witnesses.

GEOSPATIAL INFORMATION

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a hearing entitled ''Geospatial Information: Are we Headed in the Right Direction or Are We Lost?'' Testimony was heard from Karen S. Evans, Administrator, E-Government and Information Technology, OMB; Linda D. Koontz, Director, Information Management, GAO; Scott J. Cameron, Deputy Assistant Secretary, Performance and Management, Department of the Interior; William Allder, Jr., Director, Office of Strategic Transformation, National Geospatial-Intelligence Agency, Department of Defense; and public witnesses.

STOLEN PASSPORTS

Committee on International Relations: Held a hearing on Stolen Passports: A Terrorist's First Class Ticket. Testimony was heard from Clark Kent Ervin, Inspector General, Department of Homeland Security; Frank Moss, Deputy Assistant Secretary, Passport Services, Bureau of Consular Affairs, Department of State; and James M. Sullivan, Director, U.S. National Central Bureau Interpol Criminal Police Organization, Department of Justice.

HONG KONG—RECENT DEVELOPMENTS

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Recent Developments in Hong Kong. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 3247, Trail Responsibility and Accountability for the Improvement of Lands Act of 2003; H.R. 338, Defense of Privacy Act; H.R. 3632, Anti-Counterfeiting Amendments of 2003, and H.R. 2934, Terrorist Penalties Enhancement Act of 2003.

OVERSIGHT—DETRIMENTAL IMPACT OF IMMIGRATION BACKLOG

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims continued hearings on ''Families and Business Limbo: The Detrimental Impact of the Immigration Backlog.'' Testimony was heard from Prakash Khatri, Citizenship and Immigration Services Ombudsman, Department of Homeland Security; and public witnesses.

AMERICAN INDIAN REFORM ACT

Committee on Resources: Held a hearing on S. 1721, American Indian Probate Reform Act of 2003. Testimony was heard from Ross Swimmer, Special Trustee for American Indians, Department of the Interior; and public witnesses.

OVERSIGHT—DEVELOPING BIOMASS POTENTIAL

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Developing Biomass Potential: Turning Hazardous Fuels into Valuable Products. Testimony was heard from Chris Risbrudt, Director, Forests Products Laboratory, Forest Service, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following: H.R. 4300, Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; H.R. 4389, To authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California; H.R. 4459, Llagas Reclamation Groundwater Remediation Initiative; and H.R. 4606, Southern California Groundwater Remediation Act. Testimony was heard from William Rinne, Deputy Commissioner, Director of Operations, Department of the Interior; and public witnesses.

SPENDING CONTROL ACT

Committee on Rules: Granted, by a vote of 9 to 2, a structured rule providing 1 hour of general debate on H.R. 4663, Spending Control Act of 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. The rule waives all points of order against the bill and against its consideration. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report, except that upon adoption of an amendment in the nature of a substitute, only the last amendment printed in the report shall be in order. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Nussle and Representatives Gutknecht, Hastings of Washington, Hensarling, Brady of Texas, Kirk, Chocola, Ryan of Wisconsin, Neugebauer, Spratt, Thompson of California, Stenholm, Turner of Texas and Matheson.

SAME DAY CONSIDERATION OF RESOLUTION REPORTED BY THE RULES COMMITTEE RELATING TO THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS FOR 2005

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of Thursday, June 24, 2004, providing for consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes.

VETERANS' MATTERS

Committee on Veterans' Affairs: Held a hearing entitled: ''Protecting the Rights of Those Who Protect Us: Public Sector Compliance with the Uniformed Services Employment and Reemployment Rights Act and Improvement of the Servicemembers Civil Relief Act,'' including discussion of the following: H.R. 3779, Safeguarding Schoolchildren of Deployed Soldiers Act of 2004; H.R. 4477, Patriotic Employer Act of 2004; the USERRA Health Care Coverage Extension Act of 2004; and the Servicemembers Legal Protection Act of 2004. Testimony was heard from Representatives McGovern, Bradley of New Hampshire, Slaughter and Ginny Brown-Waite of Florida; Dan G. Blair, Deputy Director, OPM; Scott J. Bloch, Special Counsel, Office of Special Counsel; Craig W. Duehring, Principal Deputy Assistant Secretary, Reserve Affairs, Department of Defense; David C. Iglesias, U.S. Attorney, District of Mexico, Department of Justice; Charles S. Ciccolella, Deputy Assistant Secretary, Veterans' Employment and Training Service, Department of Labor; and public witnesses.

COIN MEASURES; U.S.-AUSTRALIA FREE TRADE IMPLEMENTATION ACT

Committee on Ways and Means: Ordered reported, as amended, the following bills: H.R. 1914, Jamestown 400th Anniversary Commemorative Coin Act of 2003; H.R. 2768, John Marshall Commemorative Coin Act; and H.R. 3277, Marine Corps 230th Anniversary Commemorative Coin Act.

The Committee also approved the draft implementing proposal on the United States-Australia Free Trade Implementation Act.

Joint Meetings

HIGHWAY TRUST FUND ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, but did not complete action thereon, and will meet again on Wednesday, July 7, 2004.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D632)*

H.R. 1086, to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards. Signed on June 22, 2004. (Public Law 108–237)

S. 1233, to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center. Signed on June 22, 2004. (Public Law 108–238)

COMMITTEE MEETINGS FOR THURSDAY, JUNE 24, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization, to hold hearings to examine the implementation of the Healthy Forests Restoration Act (P.L. 108–148), 9:30 a.m., SD–562.

Committee on Appropriations: Subcommittee on Transportation, Treasury and General Government, to hold an oversight hearing to examine passenger screening and airline authority to deny plane boarding, 2 p.m., SD–138.

Committee on Armed Services: to hold hearings to examine the nomination of General George W. Casey, Jr., USA, for reappointment to the grade of general and to be Commander, Multi-National Force-Iraq, 10 a.m., SD–106.

Full Committee, to receive a closed briefing from the Department of Defense regarding ICRC Reports on U.S. military detainee operations, 3 p.m., S–407, Capitol.

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation, to hold hearings to examine security screening options for airports, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings to examine H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold hearings to examine S. 2543, to establish a program and criteria for National Heritage Areas in the United States, 2:30 p.m., SD–366.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs, to hold hearings to examine the state of democracy in Venezuela, 2 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the reauthorization of the Carl D. Perkins Vocational and Technical Education Act, 10 a.m., SD–430.

Committee on the Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

House

Committee on Armed Services, Subcommittee on Readiness, hearing on contractor support in the Department of Defense, 10 a.m., 2118 Rayburn.

Subcommittee on Tactical Air and Land Forces, hearing on Department of Defense small caliber ammunition programs, 2 p.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing entitled "Examining Innovative Health Insurance Options for Workers and Employers," 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following bills: H.R. 2929, Safeguard Against Privacy Invasions Act; H.R. 2023, Asthmatic Schoolchildren's Treatment and Health Management Act of 2003; S. 741, Minor Use and Minor Species Animal Health Act of 2004; H.R. 4555, Mammography Quality Standards Reauthorization Act of 2004; and H.R. 3981, To reclassify fees paid into the Nuclear Waste Fund as offsetting collections, 9:30 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "A Review of Hospital Billing and Collection Practices," 1:30 p.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, oversight hearing on the Public Company Accounting Oversight Board, 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider the following bills: S. 129, Federal Workforce Flexibility Act of 2003; H.R. 3340, To redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the "James E. Worsham Post Office" and the "James E. Worsham Carrier Annex Building," respectively; H.R. 4327, To designate the facility of the United States Postal Service

located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitilas 'Veto' Reid Post Office Building''; and H.R. 4427, To designate the facility of the United States Postal Service located at 73 South Eucllid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr., Post Office''; followed by a hearing entitled ''Target Washington: Coordinating Federal Homeland Security Efforts with Local Jurisdictions in the National Capital Region,'' 10 a.m., 2154 Rayburn.

Subcommittee on Human Rights and Wellness, hearing entitled ''Living with Disabilities in the United States: A Snapshot,'' 2:30 p.m., 2154 Rayburn.

Committee on International Relations, to mark up the following: H.R. 1587, Viet Nam Human Rights Act of 2003; H.R. 4303, American Schools Abroad Support Act; a measure to amend the Millennium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that Act; a measure to reauthorize the Tropical Forest Conservation Act of 1998 through Fiscal Year 2007; H. Res. 615, Expressing the sense of the House of Representatives in support of full membership of Israel in the Western European and Others Group (WEOG) at the United Nations; H. Res. 617, Expressing support for the accession of Israel to the Organization for Economic Cooperation and Development (OCED); H. Res. 652, Urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004; H. Res. 667, Expressing support for freedom in Hong Kong; a resolution reaffirming unwaivering commitment to the Taiwan Relations Act; H. Con. Res. 304, expressing the sense of Congress regarding oppression by the Government of the People's Republic of China of Falun Gong in the United States and in China; H. Con. Res. 319, Expressing the grave concern of Congress regarding the continuing repression of the religious freedom and human rights of the Iranian Baha'i community by the Government of Iran; H. Con. Res. 363, Expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian people by the Government of the Syrian Arab Republic; H. Con. Res. 436, Celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; H. Con. Res. 415, Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004; H. Con. Res. 418, Recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan; H. Con. Res. 422, Concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; and S. 2264, Northern Uganda Crisis Response Act, 10:45 a.m., 2172 Rayburn.

Subcommittee on Africa, hearing on Confronting War Crimes in Africa, 1 p.m., 2200 Rayburn.

Subcommittee on the Middle East and Central Asia, hearing on Iranian Proliferation: Implications for Terrorists, their State-Sponsors, and U.S. Counter-proliferation Policy, 3 p.m., 2172 Rayburn.

Subcommittee on International Terrorism, Nonproliferation and Human Rights, hearing on Trafficking in Persons: A Global Review, 9 a.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to continue oversight hearings on the Administrative Conference of the United States, II: Why is There a Need to Reauthorize the Conference? 2:30 p.m., 2237 Rayburn.

Subcommittee on the Constitution, oversight hearing entitled ''Limiting Federal Court Jurisdiction to Protect Marriage for the States,'' 10 a.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, to mark up H.R. 112, To amend title 28, United States Code, to provide for an additional place of holding court in the District of Columbia; followed by an oversight hearing entitled ''Patent Quality Improvement: Post-Grant Opposition,'' 4 p.m., 2141 Rayburn.

Committee on Resources, hearing on the following bills: H.R. 831, To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; and H.R. 2793, To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians, 2 p.m., 1324 Longworth.

Subcommittee on Energy and Mineral Resources, hearing on the following: H.R. 4010, National Geologic Mapping Reauthorization Act of 2004; and H.R. 4625, To reduce temporarily the royalty required to be paid for sodium produced on Federal lands, 10 a.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 3320, American Aquaculture and Fisheries Resources Protection Act, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Energy, hearing on Nuclear R&D and the Idaho National Laboratory, 10 a.m., 2318 Rayburn.

Subcommittee on Environment, Technology and Standards, hearing on Testing and Certification for Voting Equipment: How Can the Process Be Improved? 2 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, oversight hearing on Upper Mississippi and Illinois Rivers—Recommendations for Navigation Improvements and Ecosystem Restoration, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on the Department of Veterans Affairs Real Property and Facilities Management Improvement Act of 2004, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Trade, to mark up H.R. 4418, Customs and Border Security Act of 2004, 1:30 p.m., 1100 Longworth.

Select Committee on Homeland Security, hearing entitled ''Information Sharing After September 11: Perspectives on the Future,'' 10:30 a.m., 2322 Rayburn.

Next Meeting of the SENATE

10 a.m., Thursday, June 24

Senate Chamber

Program for Thursday: Senate will begin consideration of the nominations of John C. Danforth, of Missouri, to be a U.S. Representative to the United Nations, with the rank and status of Ambassador, and the U.S. Representative in the Security Council of the United Nations, and to be U.S. Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as U.S. Representative to the United Nations. Also, Senate expected to begin consideration of the Department of Defense Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 24

House Chamber

Program for Thursday: Consideration of H. Con. Res. 691—congratulating the interim government of Iraq on its assumption of full responsibility and authority as a sovereign government (Unanimous Consent Agreement).

Consideration of H. Res. 685—revising the concurrent resolution on the budget for fiscal year 2005, as it applies to the House of Representatives (Unanimous Consent Agreement).

Consideration of H.R. 3973—Spending Control Act of 2004 (Subject to a Rule).

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